KA / BG - GPO/ 2515 /WPP-47/ 2009 - 2011

ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ವಿಶೇಷ ಪತ್ರಿಕೆ

ಭಾಗ – ***IV-A***	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಅಕ್ಟೋಬರ್ ೭, ೨೦೧೦ (ಆಶ್ವಯುಜ ೧೫, ಶಕ ವರ್ಷ ೧೯೩೨)	ನಂ. ೧೦೪೫

CABINET AFFAIRS AND PERSONNEL AND ADMINISTRATIVE REFORMS SECRETARIAT

NOTIFICATION

No. GS 97 GSE 2010, Bangalore, Dated: 7th October, 2010

Shri B.S.Yeddyurappa, Chief Minister of Karnataka, in his letter No. CM/HO/206/2010 dated 7.10.2010, has forwarded the resignation of the following Ministers from the Council of Ministers.

(1) Shri Balachandra Laxmanrao Jarkiholi

(2) Shri Asnotikar Anand Vasant

2. The Chief Minister has further recommended that their resignation may be accepted.

3. In exercise of powers vested in me under Article 164(1) of the Constitution of India, I, ***H.R. BHARDWAJ, Governor of Karnataka,*** am pleased to accept the resignations of the above Ministers from the Council of Ministers with immediate effect.

H.R. BHARDWAJ
GOVERNOR OF KARNATAKA

By order and in the name of the Governor of Karnataka,
V.G.DIVAKAR
Joint Secretary to Government
D.C.A & D.P.A.R. (State Protocol).

No. DPAR 56 GAM 2008
Dated : 7th October, 2010

ವಿಶೇಷ ಪತ್ರಿಕೆ

ಭಾಗ – ***IV-A***	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಅಕ್ಟೋಬರ್ ೭, ೨೦೧೦ (ಆಶ್ವಯುಜ ೧೫, ಶಕ ವರ್ಷ ೧೯೩೨)	ನಂ. ೧೦೪೬

PARLIAMENTARY AFFAIRS AND LEGISLATION SECRETARIAT

NOTIFICATION

No. DPAL 28 Samvyavi 2010, Bangalore, Dated : 7th October, 2010

The following Order made by the Governor is hereby published for general information:-

"ORDER

In exercise of the powers conferred upon me by clause (1) of Article 174 of the Constitution of India, I, H.R.Bhardwaj, Governor of Karnataka, do hereby summon the Karnataka Legislative Assembly to meet at Bangalore at 10.00 A.M. on Monday the 11th day of October, 2010.

H.R. BHARDWAJ
GOVERNOR OF KARNATAKA"

By Order and in the name of the Governor of Karnataka,
G.K. BOREGOWDA
Secretary to Government
Department of Parliamentary Affairs and Legislation

ವಿಶೇಷ ಪತ್ರಿಕೆ

ಭಾಗ – IV-A	ಬೆಂಗಳೂರು, ಶುಕ್ರವಾರ, ಅಕ್ಟೋಬರ್ ೮, ೨೦೧೦ (ಆಶ್ವಯುಜ ೧೬, ಶಕ ವರ್ಷ ೧೯೩೨)	ನಂ. ೧೦೪೭

ರಾಜ್ಯ ಚುನಾವಣಾ ಆಯೋಗ, ಕರ್ನಾಟಕ

ಕರ್ನಾಟಕ ರಾಜ್ಯ ಸಹಕಾರ ಮಾರಾಟ ಮಂಡಳಿ ಕಟ್ಟಡ (ಹಿಂಭಾಗ), 1ನೇ ಮಹಡಿ, ನಂ.8, ಕನ್ನಿಂಗ್ ಹ್ಯಾಂ ರಸ್ತೆ.

ಬೆಂಗಳೂರು–560052

ಆದೇಶ ಸಂಖ್ಯೆ ರಾಚುಆ.515.ಇಯುಬಿ.2007, ಬೆಂಗಳೂರು ದಿನಾಂಕ: 08–10–2010

ರಾಜ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ರಿಟ್ ಅರ್ಜಿ ಸಂಖ್ಯೆ: 14117/2010 (ಎಲ್‌ಬಿ–ಇಎಲ್‌ಇ) ರಲ್ಲಿ ದಿನಾಂಕ: 09.09.2010 ರಂದು ನೀಡಿರುವ ತೀರ್ಪಿಗೆ ಅನುಗುಣವಾಗಿ ಮತ್ತು ರಾಜ್ಯ ಚುನಾವಣಾ ಆಯೋಗವು ಕರ್ನಾಟಕ ಮುನಿಸಿಪಲ್ ಕಾರ್ಪೋರೇಷನ್ ಕಾಯ್ದೆ 1976 ರ ಪ್ರಕರಣ 55 ಮತ್ತು ಕರ್ನಾಟಕ ಮುನಿಸಿಪಲ್ ಕಾರ್ಪೋರೇಷನ್ (ಚುನಾವಣೆ) ನಿಯಮಗಳು, 1979 ರನ್ವಯ ಮೈಸೂರು ಮಹಾನಗರ ಪಾಲಿಕೆಯ ತೆರವಾಗಿರುವ ವಾರ್ಡ್ ನಂ.41 ಕ್ಕೆ ಸದಸ್ಯ ಸ್ಥಾನವನ್ನು ತುಂಬಲು ಈ ಕೆಳಕಂಡಂತೆ ಚುನಾವಣಾ ವೇಳಾಪಟ್ಟಿಯನ್ನು ನಿಗದಿಪಡಿಸಿದೆ. ಅದರಂತೆ ಚುನಾವಣೆಯನ್ನು ನಡೆಸಲು ಆದೇಶಿಸಿದೆ.

ಚುನಾವಣಾ ವೇಳಾ ಪಟ್ಟಿ

1	ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು, ಮೈಸೂರು ಜಿಲ್ಲೆ ಇವರು ಚುನಾವಣಾ ಅಧಿಸೂಚನೆಯನ್ನು ಹೊರಡಿಸುವ ದಿನಾಂಕ ಮತ್ತು ದಿನ	19–10–2010 ಮಂಗಳವಾರ
2	ನಾಮಪತ್ರಗಳನ್ನು ಸಲ್ಲಿಸಲು ಕೊನೆಯ ದಿನಾಂಕ ಮತ್ತು ದಿನ	26–10–2010 ಮಂಗಳವಾರ
3	ನಾಮಪತ್ರಗಳನ್ನು ಪರಿಶೀಲಿಸುವ ದಿನಾಂಕ ಮತ್ತು ದಿನ	27–10–2010 ಬುಧವಾರ
4	ಉಮೇದುವಾರಿಕೆಗಳನ್ನು ಹಿಂತೆಗೆದುಕೊಳ್ಳಲು ಕೊನೆಯ ದಿನಾಂಕ ಮತ್ತು ದಿನ	29–10–2010 ಶುಕ್ರವಾರ
5	ಮತದಾನ ಅವಶ್ಯವಿದ್ದರೆ, ಮತದಾನವನ್ನು ನಡೆಸಬೇಕಾದ ದಿನಾಂಕ ಮತ್ತು ದಿನ	09–11–2010 ಮಂಗಳವಾರ
6	ಚುನಾವಣೆಯನ್ನು ಯಾವ ದಿನಾಂಕಕ್ಕೆ ಮುಂಚೆ ಮುಕ್ತಾಯಗೊಳಿಸಬೇಕೋ ಆ ದಿನಾಂಕ ಮತ್ತು ದಿನ	12–11–2010 ಶುಕ್ರವಾರ
7	ಮತದಾನದ ಸಮಯ ದಿನಾಂಕ: 09–11–2010 ಬೆಳಿಗ್ಗೆ 7.00 ಘಂಟೆಯಿಂದ ಸಾಯಂಕಾಲ 5.00 ಘಂಟೆವರೆಗೆ	
8	ಮತಗಳ ಎಣಿಕೆಯು ದಿನಾಂಕ: 11–11–2010 (ಗುರುವಾರ) ಬೆಳಿಗ್ಗೆ 8.00 ಘಂಟೆಯಿಂದ (ಮೈಸೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ)	

ಜಿಲ್ಲಾಧಿಕಾರಿಯವರು ಆಯೋಗವು ಆದೇಶಿಸಿದ ಚುನಾವಣಾ ವೇಳಾ ಪಟ್ಟಿಯನ್ನು ಅನುಸರಿಸಿ ಕರ್ನಾಟಕ ಮುನಿಸಿಪಲ್ ಕಾರ್ಪೋರೇಷನ್ (ಚುನಾವಣೆ ನಡೆಸುವ) ನಿಯಮ 1979 ರ ನಿಯಮ 10 ರ ಪ್ರಕಾರ ಪ್ರಪತ್ರ–1 ರಲ್ಲಿ ಅಧಿಸೂಚನೆಯನ್ನು ಹೊರಡಿಸತಕ್ಕದ್ದು. ಹಾಗೆ ಹೊರಡಿಸಲಾದ ಅಧಿಸೂಚನೆಯನ್ನು ಅದೇ ದಿನದಂದು ವಿಶೇಷ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಪ್ರಕಟಿಸತಕ್ಕದ್ದು. ಪ್ರಕಟಿತ ಅಧಿಸೂಚನೆಯ ಪ್ರತಿಗಳನ್ನು ಜಿಲ್ಲಾಧಿಕಾರಿ ಕಛೇರಿ, ಸಂಬಂಧಪಟ್ಟ ನಗರ ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಯ ಕಛೇರಿ ಹಾಗೂ ಇನ್ನಿತರ ಮುಖ್ಯ ಸ್ಥಳಗಳಲ್ಲಿಯೂ ಸಹಾ ಪ್ರದರ್ಶಿಸತಕ್ಕದ್ದು. ಅಧಿಸೂಚನೆಯ ಪ್ರತಿಯನ್ನು ಚುನಾವಣಾಧಿಕಾರಿಗಳಿಗೆ ಕಳುಹಿಸಿಕೊಟ್ಟು ಅದೇ ದಿನದಂದು ಪ್ರಪತ್ರ–1ಎ ರಲ್ಲಿ ಚುನಾವಣಾ ನೋಟೀಸನ್ನು ಪ್ರಕಟಿಸುವಂತೆ ಸೂಚನೆಗಳನ್ನು ನೀಡತಕ್ಕದ್ದು. ಚುನಾವಣೆ ನಡೆಯುವ ವಿಷಯವನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ದಿನಪತ್ರಿಕೆಗಳಲ್ಲಿ ಹಾಗೂ ಸ್ಥಳೀಯ ಪತ್ರಿಕೆಗಳಲ್ಲಿ (ವೆಚ್ಚ ಬಾರದಂತೆ) ಪ್ರಕಟಿಸಲು ಎಲ್ಲಾ ಕ್ರಮಗಳನ್ನು ತೆಗೆದುಕೊಳ್ಳುವುದು. ಚುನಾವಣಾಧಿಕಾರಿ/ ಸಹಾಯಕ ಚುನಾವಣಾಧಿಕಾರಿಗಳನ್ನು ನೇಮಿಸಿ ನೇಮಕಾತಿ ಆದೇಶವನ್ನು ಆಯೋಗಕ್ಕೆ ಕಳುಹಿಸುವುದು.

ಚುನಾವಣೆ ನಡೆಯುವ ವಾರ್ಡಿನ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಮಾತ್ರ ಸದಾಚಾರ ಸಂಹಿತೆಯು ದಿನಾಂಕ: 19–10–2010 ರಿಂದ ಪ್ರಾರಂಭವಾಗಿ ಚುನಾವಣಾ ಪ್ರಕ್ರಿಯೆಯು ಮುಕ್ತಾಯಗೊಳ್ಳುವವರೆಗೆ ಅಂದರೆ ದಿನಾಂಕ: 12–11–2010 ವರೆಗೆ ಜಾರಿಯಲ್ಲಿರುತ್ತದೆ. ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು ಸದಾಚಾರ ಸಂಹಿತೆಯು ಯಾವುದೇ ರೀತಿಯಲ್ಲೂ ಉಲ್ಲಂಘನೆಯಾಗದಂತೆ ನೋಡಿಕೊಳ್ಳತಕ್ಕದ್ದು.

ಆದೇಶಾನುಸಾರ

ಸಿ.ಆರ್. ರೇವಣ್ಣ

ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ

ರಾಜ್ಯ ಚುನಾವಣಾ ಆಯೋಗ, ಕರ್ನಾಟಕ

ವಿಶೇಷ ಪತ್ರಿಕೆ

ಭಾಗ – **IV-A**	ಬೆಂಗಳೂರು, ಸೋಮವಾರ, ಅಕ್ಟೋಬರ್ ೧೧, ೨೦೧೦ (ಆಶ್ವಯುಜ ೧೯, ಶಕ ವರ್ಷ ೧೯೩೨)	ನಂ. ೧೦೪೮

ಕರ್ನಾಟಕ ವಿಧಾನ ಸಭೆ

ಹದಿಮೂರನೇ ವಿಧಾನ ಸಭೆ

ಲಘು ಪ್ರಕಟಣೆ ಭಾಗ – 2

(ಸಾಂಸದಿಕ ಹಾಗೂ ಇತರೆ ವಿಷಯಗಳಿಗೆ ಸಂಬಂಧಿಸಿದ ಸಾಮಾನ್ಯ ಮಾಹಿತಿ)

ಭಾನುವಾರ, ದಿನಾಂಕ 10ನೇ ಅಕ್ಟೋಬರ್, 2010

ಸಂಖ್ಯೆ: 59

ಅನರ್ಹತೆ ಅರ್ಜಿ ಸಂಖ್ಯೆ 1/2010

ಅರ್ಜಿದಾರರು:

1) **ಶ್ರೀ ಬಿ.ಎಸ್. ಯಡಿಯೂರಪ್ಪ,**
ಶಾಸಕಾಂಗ ಪಕ್ಷದ ನಾಯಕರು,
ಭಾರತೀಯ ಜನತಾ ಪಾರ್ಟಿ, ಕರ್ನಾಟಕ
ರೇಸ್ ಕೋರ್ಸ್ ರಸ್ತೆ, ಬೆಂಗಳೂರು

ವಿರುದ್ಧ

ಪ್ರತಿವಾದಿಗಳು

1) ಶ್ರೀ ಎಂ.ಪಿ.ರೇಣುಕಾಚಾರ್ಯ, ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ಹೊನ್ನಾಳಿ ಕ್ಷೇತ್ರ,
2) ಶ್ರೀ ಗೋಪಾಲ ಕೃಷ್ಣ ಬೇಳೂರು, ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ಸಾಗರ ಕ್ಷೇತ್ರ,
3) ಶ್ರೀ ಆನಂದ ಆಸ್ನೋಟಿಕರ್, ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ಕಾರವಾರ ಕ್ಷೇತ್ರ,
4) ಶ್ರೀ ಬಾಲಚಂದ್ರ ಜಾರಕಿಹೊಳಿ, ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ಅರಭಾವಿ ಕ್ಷೇತ್ರ,
5) ಡಾ॥ ಬಗಲಿ ಸಾರ್ವಭೌಮ ಎನ್. ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ಇಂಡಿ ಕ್ಷೇತ್ರ,
6) ಶ್ರೀ ಭರಮಗೌಡ ಹೆಚ್. ಕಾಗೆ, ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ಕಾಗವಾಡ ಕ್ಷೇತ್ರ,
7) ಶ್ರೀ ವೈ. ಸಂಪಂಗಿ, ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ಕೆ.ಜಿ.ಎಫ್ ಕ್ಷೇತ್ರ,
8) ಶ್ರೀ ನಂಜುಂಡಸ್ವಾಮಿ ಜಿ.ಎನ್. ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ಕೊಳ್ಳೇಗಾಲ ಕ್ಷೇತ್ರ,
9) ಶ್ರೀ ಎಂ.ವಿ. ನಾಗರಾಜು, ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ನೆಲಮಂಗಲ ಕ್ಷೇತ್ರ,
10) ಶ್ರೀ ಬೆಳ್ಳುಬ್ಬಿ ಸಂಗಪ್ಪ ಕಾಳಪ್ಪ, ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ಬಸವನ ಬಾಗೇವಾಡಿ ಕ್ಷೇತ್ರ,
11) ಶ್ರೀ ಶಿವನಗೌಡ ನಾಯಕ್, ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ದೇವದುರ್ಗ ಕ್ಷೇತ್ರ,
12) ಶ್ರೀ ನರಸಿಂಹ ನಾಯಕ್ (ರಾಜುಗೌಡ) ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ಸುರಪುರ ಕ್ಷೇತ್ರ
13) ಶ್ರೀ ಹೆಚ್.ಎಸ್. ಶಂಕರಲಿಂಗೇಗೌಡ, ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ಚಾಮರಾಜ ಕ್ಷೇತ್ರ,

ಪ್ರಸ್ತಾವನೆ;–

ಶ್ರೀ ಬಿ.ಎಸ್. ಯಡಿಯೂರಪ್ಪ, ಮುಖ್ಯಮಂತ್ರಿಗಳು ಹಾಗೂ ಭಾರತೀಯ ಜನತಾ ಪಾರ್ಟಿಯ ಶಾಸಕಾಂಗಪಕ್ಷದ ನಾಯಕರಾದ ಇವರು, ದಿನಾಂಕ 6.10.2010ರಂದು ಈ ಕೆಳಗೆ ಕಾಣಿಸಿದ ಶಾಸಕರನ್ನು ಭಾರತೀಯ ಸಂವಿಧಾನದ ಪರಿಚ್ಛೇದ 10ರಡಿಯಲ್ಲಿ ಅನರ್ಹಗೊಳಿಸಬೇಕೆಂದು ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಈ ಅರ್ಜಿಯ ಜೊತೆಗೆ ಮಾನ್ಯ ರಾಜ್ಯಪಾಲರು ಅರ್ಜಿದಾರರಿಗೆ ಬರೆದ ಪತ್ರದ ಪ್ರತಿಯನ್ನು ಲಗತ್ತಿಸಿರುತ್ತಾರೆ.

ಶಾಸಕರ ಹೆಸರುಗಳು

1. ಶ್ರೀ ಎಂ.ಪಿ.ರೇಣುಕಾಚಾರ್ಯ, ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ಹೊನ್ನಾಳಿ ಕ್ಷೇತ್ರ,
2. ಶ್ರೀ ಗೋಪಾಲ ಕೃಷ್ಣ ಬೇಳೂರು, ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ಸಾಗರ ಕ್ಷೇತ್ರ,
3. ಶ್ರೀ ಆನಂದ ಆಸ್ನೋಟಿಕರ್, ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ಕಾರವಾರ ಕ್ಷೇತ್ರ,
4. ಶ್ರೀ ಬಾಲಚಂದ್ರ ಜಾರಕಿಹೊಳಿ, ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ಅರಭಾವಿ ಕ್ಷೇತ್ರ,
5. ಡಾ॥ ಬಗಲಿ ಸಾರ್ವಭೌಮ ಎನ್. ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ಇಂಡಿ ಕ್ಷೇತ್ರ,
6. ಶ್ರೀ ಭರಮಗೌಡ ಹೆಚ್. ಕಾಗೆ, ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ಕಾಗವಾಡ ಕ್ಷೇತ್ರ,
7. ಶ್ರೀ ವೈ. ಸಂಪಂಗಿ, ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ಕೆ.ಜಿ.ಎಫ್ ಕ್ಷೇತ್ರ,
8. ಶ್ರೀ ನಂಜುಂಡಸ್ವಾಮಿ ಜಿ.ಎನ್. ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ಕೊಳ್ಳೇಗಾಲ ಕ್ಷೇತ್ರ,

9. ಶ್ರೀ ಎಂ.ವಿ. ನಾಗರಾಜು, ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ನೆಲಮಂಗಲ ಕ್ಷೇತ್ರ,
10. ಶ್ರೀ ಬೆಳ್ಳುಬ್ಬಿ ಸಂಗಪ್ಪ ಕಾಳಪ್ಪ, ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ಬಸವನ ಬಾಗೇವಾಡಿ ಕ್ಷೇತ್ರ,
11. ಶ್ರೀ ಶಿವನಗೌಡ ನಾಯಕ್, ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ದೇವದುರ್ಗ ಕ್ಷೇತ್ರ,
12. ಶ್ರೀ ನರಸಿಂಹ ನಾಯಕ್ (ರಾಜುಗೌಡ) ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ಸುರಪುರ ಕ್ಷೇತ್ರ
13. ಶ್ರೀ ಹೆಚ್.ಎಸ್. ಶಂಕರಲಿಂಗೇಗೌಡ, ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ಚಾಮರಾಜ ಕ್ಷೇತ್ರ,

ಈ ಅರ್ಜಿಯನ್ನು ವಿಚಾರಣೆಗೆ ಸ್ವೀಕರಿಸಿ ಅರ್ಜಿಯಲ್ಲಿ ಕಾಣಿಸಿದ ಪ್ರತಿವಾದಿಗಳಿಗೆ ನೋಟೀಸ್ ಜಾರಿ ಮಾಡಲು ಆದೇಶಿಸಿ, ನೋಟಿಸ್ ಜಾರಿ ಮಾಡುವ ಕ್ರಮಕೈಗೊಳ್ಳಲಾಗಿದೆ. ಈ ಸಂಬಂಧವಾಗಿ ಜಾರಿ ಮಾಡಲಾದ ನೋಟೀಸ್‌ನಲ್ಲಿ ಪ್ರತಿವಾದಿಗಳಿಗೆ ದಿನಾಂಕ 10.10.2010ರ ಸಂಜೆ 5.00 ಗಂಟೆಯೊಳಗೆ ತಮ್ಮ ಆಕ್ಷೇಪಣೆ ಸಲ್ಲಿಸಲು ಸೂಚಿಸಲಾಗಿದೆ.

ದಿನಾಂಕ 9.10.2010ರಂದು ಈ ನೋಟೀಸ್ ಪ್ರಕಾರ ಈ ಕೆಳಕಾಣಿಸಿದ ಪ್ರತಿವಾದಿಗಳು ತಮ್ಮ ವಕೀಲರ ಮುಖಾಂತರ ಆಕ್ಷೇಪಣೆಯೊಂದನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಸದರಿ ಆಕ್ಷೇಪಣೆಯನ್ನು ಕಡತದಲ್ಲಿ ಸ್ವೀಕರಿಸಲಾಗಿದೆ. ದಿನಾಂಕ 09.10.2010 ರಂದು ಪ್ರತಿವಾದಿಗಳ ಕೋರಿಕೆಯ ಮೇರೆಗೆ ವಿಚಾರಣೆಯನ್ನು ದಿನಾಂಕ 10.10.2010 ಅಂದರೆ, ಇಂದು ಮಧ್ಯಾಹ್ನ 3.00 ಗಂಟೆಗೆ ಮುಂದೂಡಲಾಗಿದೆ. ಈ ಸಂಬಂಧವಾಗಿ ಅರ್ಜಿದಾರರಿಗೆ ಸೂಕ್ತ ನೋಟೀಸನ್ನು ನೀಡುವಂತೆ ಆದೇಶಿಸಲಾಗಿತ್ತು. ಅರ್ಜಿದಾರರ ಪರ ವಕೀಲರು ಮತ್ತು ಅರ್ಜಿಯಲ್ಲಿ ಕಾಣಿಸಿದ ಪ್ರತಿವಾದಿಗಳ ಪರ ವಕೀಲರು ಹಾಜರಾಗಿ ತಮ್ಮ ವಿವರವಾದ ವಾದಗಳನ್ನು ಮಂಡಿಸಿರುತ್ತಾರೆ. ಮತ್ತು ಪುಷ್ಠೀಕರಿಸುವ ಪೂರಕ ದಾಖಲೆಗಳನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ಅರ್ಜಿದಾರರ ವಾದಾಂಶಗಳು ಈ ಕೆಳಕಂಡಂತೆ ಇರುತ್ತವೆ.

ಅ. ಅರ್ಜಿಯಲ್ಲಿ ಕಾಣಿಸಿದ ಪ್ರತಿವಾದಿಗಳು ಭಾರತೀಯ ಜನತಾಪಕ್ಷದ ಅಧಿಕೃತ ಅಭ್ಯರ್ಥಿಗಳಾಗಿ 2008ರ ಚುನಾವಣೆಯಲ್ಲಿ ಸ್ಪರ್ಧಿಸಿ ಕರ್ನಾಟಕ ವಿಧಾನಸಭೆಗೆ ಆಯ್ಕೆಯಾಗಿರುತ್ತಾರೆ. ಅರ್ಜಿದಾರರು, ಭಾರತೀಯ ಜನತಾ ಪಾರ್ಟಿಯ ಶಾಸಕಾಂಗ ಪಕ್ಷದ ನಾಯಕರಾಗಿ ಸರ್ವಾನುಮತದಿಂದ ಆಯ್ಕೆಯಾಗಿದ್ದು, ಮತ್ತು ಶಾಸಕರ ಬಲದಿಂದ ರಾಜ್ಯದ ಮುಖ್ಯಮಂತ್ರಿಗಳಾಗಿ ಸರ್ಕಾರ ನಡೆಸುತ್ತಿರುತ್ತಾರೆ. ಹೀಗಿರುವಾಗ ದಿನಾಂಕ 5.10.2010ರಂದು ಅರ್ಜಿಯಲ್ಲಿ ಕಾಣಿಸಿದ ಪ್ರತಿವಾದಿ ಶಾಸಕರು ರಾಜ್ಯಪಾಲರಿಗೆ ಪತ್ರವೊಂದನ್ನು ಸಲ್ಲಿಸಿ ಅರ್ಜಿದಾರರ ನೇತೃತ್ವದ ಬಿಜೆಪಿ ಸರ್ಕಾರಕ್ಕೆ ಬೆಂಬಲ ಹಿಂಪಡೆದಿರುವುದಾಗಿ ತಿಳಿಸಿರುತ್ತಾರೆ. ಈ ಬೆಂಬಲವನ್ನು ಶಾಸಕಾಂಗಪಕ್ಷದ ಹಾಗೂ ಪಕ್ಷದ ನಿರ್ಣಯವಿಲ್ಲದೇ, ವಾಪಸ್ಸು ಪಡೆದಿದ್ದೇವೆ ಎಂದು ಹೇಳುವ ಮೂಲಕ ಭಾರತೀಯ ಸಂವಿಧಾನದ 10ನೇ ಅನುಬಂಧವನ್ನು ಉಲ್ಲಂಘಿಸಿದ್ದು, ಇವರು ತನ್ಮೂಲಕ ತಮ್ಮ ಸದಸ್ಯತ್ವವನ್ನು ಕಳೆದುಕೊಳ್ಳಲು ಬಾಧ್ಯರಾಗಿರುತ್ತಾರೆ. ಇಷ್ಟು ಮಾತ್ರವಲ್ಲದೆ, ಪತ್ರಿಕಾ ಮಾಧ್ಯಮ ಹಾಗು ವಿದ್ಯುನ್ಮಾನ ಮಾಧ್ಯಮದಲ್ಲಿ ಇದಕ್ಕೆ ಪೂರಕವಾದ ಹೇಳಿಕೆಗಳನ್ನು ಪ್ರತಿ ವಾದಿಗಳು ಈ ಸಂಬಂಧವಾಗಿ ನೀಡಿರುತ್ತಾರೆ. ಈ ಕಾರಣದಿಂದ ಇವರು ವಿಧಾನಸಭೆ ಸದಸ್ಯತ್ವದಿಂದ ಅನರ್ಹಗೊಳಿಸಬೇಕೆಂದು ಕೋರಿರುತ್ತಾರೆ.

ಅರ್ಜಿಯಲ್ಲಿ ಕಾಣಿಸಿದ 13 ಮಂದಿ ಪ್ರತಿವಾದಿಗಳ ಪೈಕಿ ಮೇಲೆ ತಿಳಿಸಿದ ಪ್ರತಿವಾದಿಗಳು 1 ಮತ್ತು 12 ರ ಹೊರತಾಗಿ ದಿನಾಂಕ 09.10.2010ರಂದು ವಕೀಲರ ಮೂಲಕ ನನ್ನ ಮುಂದೆ ಹಾಜರಾಗಿ ಆಕ್ಷೇಪಣೆಯನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ಅದರ ತಾತ್ಪರ್ಯ ಈ ರೀತಿ ಇರುತ್ತದೆ. ಅರ್ಜಿದಾರರ ಅರ್ಜಿಯ ಮೇಲೆ ನೀಡಲ್ಪಟ್ಟ ನೋಟಿಸು 10ನೇ ಅನುಬಂಧದ ಅಡಿಯಲ್ಲಿ ರೂಪಿಸಿದ ನಿಯಮಾವಳಿಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿದ್ದು, ಅಲ್ಲಿ ಹೇಳಲ್ಪಟ್ಟ 7 ದಿನಗಳ ಅವಕಾಶವನ್ನು ಕೊಟ್ಟಿರುವುದಿಲ್ಲ. ಪ್ರತಿವಾದಿಗಳು 6.10.2010ರಂದು ಮಾನ್ಯ ರಾಜ್ಯಪಾಲರಿಗೆ ಒಂದು ಪತ್ರವನ್ನು ಕೊಟ್ಟಿದ್ದು, ಆ ಪತ್ರದ ಉದ್ಧೃತ ಭಾಗ ಈ ರೀತಿ ಇರುತ್ತದೆ. ಪ್ರತಿವಾದಿಯು ಬಿಜೆಪಿಯ ಶಾಸಕರಾಗಿ ಆಯ್ಕೆಯಾಗಿರುವುದು ಸತ್ಯವಿದ್ದು, ಅರ್ಜಿದಾರರ ನೇತೃತ್ವದ ಸರ್ಕಾರದ ಬಗ್ಗೆ ಭ್ರಮನಿರಸರಾಗಿದ್ದು, ವ್ಯಾಪಕ ಭ್ರಷ್ಟಾಚಾರ, ಸ್ವಜನ ಪಕ್ಷಪಾತ, ಅಧಿಕಾರ ದುರುಪಯೋಗ ಮುಂತಾದವುಗಳು ನಡೆಯುತ್ತಿದ್ದು, ಸರ್ಕಾರವನ್ನು ನಡೆಸಲು ಅಸಾಧ್ಯವಾಗಿದ್ದು, ಅರ್ಜಿದಾರರು ಜನರ ವಿಶ್ವಾಸವನ್ನು ಕಳೆದುಕೊಂಡಿರುತ್ತಾರೆ. ಆದ್ದರಿಂದ, ರಾಜ್ಯದ ಹಾಗು ಜನರ ಹಿತದೃಷ್ಟಿಯಿಂದ ತಾನು ಅರ್ಜಿದಾರರ ನೇತೃತ್ವದ ಸರ್ಕಾರಕ್ಕೆ ಬೆಂಬಲ ಹಿಂಪಡೆದುಕೊಳ್ಳುತ್ತೇನೆ. ಹಾಗೂ ಮಧ್ಯ ಪ್ರವೇಶಿಸಬೇಕೆಂದು ಕೋರಿಕೊಂಡಿರುತ್ತಾರೆ. ಈ ಪತ್ರವು ಭಾರತೀಯ ಸಂವಿಧಾನದ 10ನೇ ಅನುಬಂಧದ ಅಡಿಯಲ್ಲಿ ಅನರ್ಹತೆಗೊಳಿಸುವ ಖಂಡಕದಲ್ಲಿ ಸೇರ್ಪಡೆಯಾಗುವುದಿಲ್ಲ. ಮತ್ತು ಕಾನೂನಿನ ದೃಷ್ಟಿಯಲ್ಲಿ ಪಕ್ಷಾಂತರವಾಗುವುದಿಲ್ಲ ಎಂದೂ ಪ್ರತಿಪಾದಿಸಿರುತ್ತಾರೆ.

ಅರ್ಜಿದಾರರು ಸಲ್ಲಿಸಿದ ಅರ್ಜಿ ದುರುದ್ದೇಶದಿಂದ ಕೂಡಿದ್ದು, ಇದು 10ನೇ ಪರಿಚ್ಛೇಧದ ಅಡಿಯಲ್ಲಿ ಬರುವುದಿಲ್ಲ ಮತ್ತು ಈ ರೀತಿಯ ಬೆಂಬಲವನ್ನು ತೆಗೆದುಕೊಳ್ಳುವುದು ತನ್ನ ಸಾಂವಿಧಾನಿಕ ಹಕ್ಕಾಗಿರುತ್ತದೆ, ಮತ್ತು ಈ ರೀತಿಯ ಬೆಂಬಲವನ್ನು ಭ್ರಷ್ಟಾಚಾರಿ ಮುಖ್ಯಮಂತ್ರಿಯ ನೇತೃತ್ವದ ಸರ್ಕಾರದಿಂದ ಹಿಂತೆಗೆದುಕೊಳ್ಳುವುದು ಪಕ್ಷಾಂತರವಾಗುವುದಿಲ್ಲವೆಂದು ಪ್ರತಿಪಾದಿಸಿರುತ್ತಾರೆ. ಅದಕ್ಕೆ ಪೂರಕವಾದ ಪತ್ರಿಕಾ ಪ್ರಕಟಣೆಗಳ ಉದ್ಧೃತ ಭಾಗಗಳನ್ನು ನಮೂದಿಸಿ ಸರ್ಕಾರವು ಭ್ರಷ್ಟಾಚಾರದಲ್ಲಿ ತೊಡಗಿದೆ ಎಂದು ಆಪಾದಿಸಿರುತ್ತಾರೆ. ಪ್ರತಿವಾದಿಗಳು ಬಿಜೆಪಿಯ ಅಭ್ಯರ್ಥಿಯಾಗಿ ಆಯ್ಕೆಯಾಗಿದ್ದು ಸತ್ಯವಾಗಿದ್ದು, ಪಕ್ಷದ ಹಿತದೃಷ್ಟಿಯಿಂದ ಈ ರೀತಿಯ ಕ್ರಮವನ್ನು ಕೈಗೊಂಡಿರುವುದಾಗಿ ಪುಷ್ಠೀಕರಿಸಿರುತ್ತಾರೆ. ತಮ್ಮ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ದಿನಾಂಕ 11.10.2010ರಂದು ನಡೆಯಲಿರುವ ವಿಶ್ವಾಸ ಮತ ಯಾಚನೆ ಸಂದರ್ಭದಲ್ಲಿ ತಮ್ಮನ್ನು ಭಾಗವಹಿಸದಂತೆ ತಡೆಯುವ ಉದ್ದೇಶದಿಂದ ಈ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಲಾಗಿದೆಯೆಂದು ಹೇಳಿರುತ್ತಾರೆ.

ಆಕ್ಷೇಪಣೆಯನ್ನು ಸಲ್ಲಿಸಿದ ಎಲ್ಲಾ ಪ್ರತಿವಾದಿಗಳ ಆಕ್ಷೇಪಣೆಯ ಸಾರಾಂಶಗಳು ಇದೇ ಆಗಿರುತ್ತದೆ.

ಈ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಅರ್ಜಿದಾರರು ಹೇಳಿರುವಂತೆ ಪ್ರತಿವಾದಿಗಳು ತಮ್ಮ ವಿಧಾನಸಭಾ ಸದಸ್ಯತ್ವದಿಂದ ಅನರ್ಹಗೊಳ್ಳಲು ಬಾಧ್ಯರಾಗಿದ್ದಾರೆಯೇ ಎಂದು ಪರಿಗಣಿಸಬೇಕಾಗಿದೆ.

ಈ ದಿನ ಅರ್ಜಿಯಲ್ಲಿ ಕಾಣಿಸಿದ ಪ್ರತಿವಾದಿಗಳ ಪೈಕಿ 1ನೇ ಪ್ರತಿವಾದಿ ಶ್ರೀ ಎಂ.ಪಿ. ರೇಣುಕಾಚಾರ್ಯ ಹಾಗೂ 12ನೇ ಪ್ರತಿವಾದಿ ಶ್ರೀ ನರಸಿಂಹ ನಾಯಕ್ (ರಾಜುಗೌಡ) ಇವರು ತಮ್ಮ ವಕೀಲ ಮುಖಾಂತರ ಹಾಜರಾಗಿ ಈ ರೀತಿಯ ಹೇಳಿಕೆಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ದಿನಾಂಕ

6.10.2010ರಂದು ತಮ್ಮ ಸಹಿ ಇರುವ ಪತ್ರವನ್ನು ರಾಜ್ಯಪಾಲರಿಗೆ ಸಲ್ಲಿಸಿರುವುದು ನನಗೆ ತಿಳಿದಿರುತ್ತದೆ. ನಾನು ಸರ್ಕಾರಕ್ಕೆ ಕೊಟ್ಟಂತಹ ಬೆಂಬಲವನ್ನು ವಾಪಸ್ಸು ಪಡೆಯುವಂತಹ ಉದ್ದೇಶವಿದ್ದಿಲ್ಲ. ನಾನು ಅರ್ಜಿದಾರರ ನೇತೃತ್ವದ ಸರ್ಕಾರದ ಬಗ್ಗೆ ಸಂಪೂರ್ಣ ವಿಶ್ವಾಸ ಹೊಂದಿರುತ್ತೇನೆ. ನಾನು ಚೆನ್ನೈ ಹಾಗೂ ಗೋವಾದಲ್ಲಿ ಇದ್ದಾಗ ಉಳಿದ ಪ್ರತಿವಾದಿಗಳು ನಾವೆಲ್ಲರೂ ಒಂದೇ ಗುಂಪಾಗಿ ಕೆಲಸ ಮಾಡೋಣ ಸರ್ಕಾರವನ್ನು ಕೆಳಗಿಳಿಸೋಣ, ಎಂದು ಹೇಳಿ ಜೆ.ಡಿ.ಎಸ್ ಪಕ್ಷದ ಸನ್ಮಾನ್ಯ ಹೆಚ್.ಡಿ. ಕುಮಾರಸ್ವಾಮಿಯವರ ಆದೇಶದಂತೆ ರಚಿಸಲ್ಪಡುವ ಯಾವುದೇ ಸರ್ಕಾರಕ್ಕೆ ಬೆಂಬಲ ವ್ಯಕ್ತಪಡಿಸುವ ನಿರ್ಣಯವನ್ನು ತೆಗೆದುಕೊಂಡರು. ನಾನು ಅದನ್ನು ಸಂಪೂರ್ಣವಾಗಿ ವಿರೋಧಿಸಿದೆ. ತದನಂತರ ನಾನು ಅಲ್ಲಿಂದ ಮುಕ್ತಿಪಡೆದು ಹೇಳಿಕೆಯನ್ನು ಕೊಡುತ್ತಿದ್ದೇನೆ. ಹಾಗೂ ಸರ್ಕಾರಕ್ಕೆ ಬೆಂಬಲವನ್ನು ವ್ಯಕ್ತಪಡಿಸಿರುತ್ತೇನೆ. ಹಾಗೂ ನನ್ನ ಮೇಲಿನ ಕ್ರಮವನ್ನು ಕೈಬಿಡಬೇಕೆಂದು ಕೇಳಿಕೊಂಡಿರುತ್ತಾರೆ. ಅದೇ ರೀತಿ 12ನೇ ಪ್ರತಿವಾದಿ ಕೂಡ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿ ರಾಜ್ಯಪಾಲರಿಗೆ ಪತ್ರವನ್ನು ನೀಡುವ ಸಂದರ್ಭದಲ್ಲಿ ಮೋಸ ವಂಚನೆ ಮಾಡಲಾಗಿದೆ. ನನಗೆ ಸರ್ಕಾರಕ್ಕೆ ನೀಡಿರುವ ಬೆಂಬಲವನ್ನು ಹಿಂಪಡೆಯುವ ಉದ್ದೇಶವಿದ್ದಿಲ್ಲ. ನನಗೆ ಸರ್ಕಾರದ ಬಗ್ಗೆ ಸಂಪೂರ್ಣ ವಿಶ್ವಾಸವಿದೆಯೆಂದು ತಿಳಿಸಿರುತ್ತಾರೆ.

ಈ ದಿನ ಅರ್ಜಿದಾರರ ಪರವಾಗಿ ಭಾರತೀಯ ಜನತಾ ಪಕ್ಷದ ರಾಜ್ಯಾಧ್ಯಕ್ಷರಾದ ಶ್ರೀ ಕೆ.ಎಸ್. ಈಶ್ವರಪ್ಪನವರ ಪ್ರಮಾಣ ಪತ್ರವೊಂದನ್ನು ಮತ್ತು ಪೂರಕವಾದ ಕೆಲವು ದಾಖಲೆಗಳನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಈ ಎಲ್ಲಾ ಪ್ರತಿಪಾದನೆಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಕಾನೂನುಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ಮತ್ತು ಕಡತವನ್ನು ಸಂಪೂರ್ಣವಾಗಿ ಪರಿಶೀಲಿಸಲಾಗಿದೆ. ಈ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಉದ್ಭವವಾಗುವ ಅಂಶಗಳು ಈ ಕೆಳಕಂಡಂತೆ ಇರುತ್ತವೆ.

1. ಅರ್ಜಿದಾರರು ಆಪಾದಿಸಿರುವಂತೆ ಪ್ರತಿವಾದಿಗಳು ಭಾರತ ಸಂವಿಧಾನದ 10ನೇ ಅನುಬಂಧದ ಪರಿಚ್ಛೇಧದ ಪ್ಯಾರಾ 2(1)(ಎ) ಅಡಿಯಲ್ಲಿ ವಿಧಾನಸಭಾ ಸದಸ್ಯತ್ವದಿಂದ ಅನರ್ಹತೆಗೊಂಡಿರುತ್ತಾರೆಯೇ?

2. ಪ್ರತಿವಾದಿಗಳು ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ತಿಳಿಸಿರುವಂತೆ ಅವರಿಗೆ 7 ದಿನಗಳ ಕಾಲಾವಕಾಶ ಕೊಡುವ ಅವಕಾಶವಿದೆಯೇ?

ಈ ವಿವಾದಾಂಶಗಳಿಗೆ ಈ ಕೆಳಗಿನ ಕಾರಣಗಳೊಂದಿಗೆ ನಾನು ಉತ್ತರಿಸ ಬಯಸುತ್ತೇನೆ:

1. ಅರ್ಜಿದಾರರ ಅರ್ಜಿ ಮತ್ತು ಪ್ರತಿವಾದಿಗಳ ಆಕ್ಷೇಪಣೆ ಮತ್ತು ವಾದವಿವಾದಗಳ ಅಂಶಗಳಿಂದ ಈ ಕೆಳಗಿನ ವಿಷಯಗಳ ಬಗ್ಗೆ ಇತ್ತಂಡಗಳಲ್ಲಿ ಯಾವುದೇ ವಿವಾದ ಇರುವುದಿಲ್ಲ.

1. ಪ್ರತಿವಾದಿಗಳು 2008ರ ವಿಧಾನಸಭಾ ಚುನಾವಣೆಯಲ್ಲಿ ಬಿಜೆಪಿ ಅಧಿಕೃತ ಅಭ್ಯರ್ಥಿಯಾಗಿ ಸ್ಪರ್ಧಿಸಿ ವಿಧಾನಸಭೆ ಸದಸ್ಯರಾಗಿ ಆಯ್ಕೆಯಾಗಿರುತ್ತಾರೆ.

2. ಅರ್ಜಿದಾರರು ತದನಂತರ ಶಾಸಕಾಂಗ ಪಕ್ಷದ ಸಭೆಯಲ್ಲಿ ಪಕ್ಷದ ನಾಯಕರಾಗಿ, ಮುಖ್ಯಮಂತ್ರಿಗಳಾಗಿ, ನೇಮಕಗೊಂಡು ಸರ್ಕಾರ ರಚನೆ ಮಾಡಿರುತ್ತಾರೆ. ಪ್ರತಿವಾದಿಗಳು ಇವರ ಆಯ್ಕೆಯನ್ನು ಎಂದೂ ವಿರೋಧಿಸಿದ್ದಿಲ್ಲ ಹಾಗೂ ಸಂಪೂರ್ಣವಾಗಿ ಒಪ್ಪಿಕೊಂಡಿರುತ್ತಾರೆ. ಅರ್ಜಿದಾರರು ಪಕ್ಷದ ನೇತೃತ್ವದ, ಸರ್ಕಾರದ ಅಧಿಕೃತ ನಾಯಕರಾಗಿರುವುದು ಮತ್ತು ಪ್ರತಿವಾದಿಗಳ ಬೆಂಬಲ ಮತ್ತು ಒಪ್ಪಿಗೆಯೊಂದಿಗೆ ಸರ್ಕಾರವನ್ನು ರಚಿಸಿರುವುದು ನಿರ್ವಿವಾದದ ಅಂಶವಾಗಿದೆ.

ಹೀಗಿದ್ದಲ್ಲಿ, ಪ್ರತಿವಾದಿಗಳು ಆಯ್ಕೆಯಾದ ಪಕ್ಷದ ನೇತೃತ್ವದ ಸರ್ಕಾರಕ್ಕೆ ಬೆಂಬಲ ಹಿಂಪಡೆದು ವರ್ತಿಸಿರುವುದು 10ನೇ ಅನುಬಂಧದ ಉಲ್ಲಂಘನೆಯಾಗಿರುತ್ತದೆಯೇ ಎಂಬುದನ್ನು ಪರಿಗಣಿಸಬೇಕಾಗುತ್ತದೆ. ಈ ನಿಟ್ಟಿನಲ್ಲಿ ಸನ್ಮಾನ್ಯ ರಾಜ್ಯಪಾಲರು ಅರ್ಜಿದಾರರಿಗೆ ಕಳುಹಿಸಿಕೊಟ್ಟ ಪತ್ರದ ಎರಡು ವಾಕ್ಯಗಳನ್ನು ಉಲ್ಲೇಖಿಸುತ್ತೇನೆ..

Letters from 14 BJP MLAs and 5 independent MLAs have been submitted to me today, withdrawing their support to the Government. List of MLAs whose letters were submitted is enclosed. This includes 7 Ministers in the Government at the time of submitting the letter. Considering the relative strengths of different groups in Karnataka Legislative Assembly with the withdrawal of support by 19 Members, a reasonable doubt has arisen about the support your Government enjoys in the Legislative Assembly.

ರಾಜ್ಯಪಾಲರ ಪತ್ರದಿಂದ ಅರ್ಜಿದಾರರು ತಮ್ಮ ಬೆಂಬಲವನ್ನು ಸಕಾರಕ್ಕೆ ಹಿಂಪಡೆಯುತ್ತೇನೆ ಎಂಬುದಾಗಿ ಹೇಳಿರುವುದು ಸ್ಪಷ್ಟವಾಗಿರುತ್ತದೆ. ಪ್ರತಿವಾದಿಗಳ ಪತ್ರದ ಆಧಾರದಲ್ಲಿ ಅರ್ಜಿದಾರರ ಸರ್ಕಾರವು ವಿಶ್ವಾಸವನ್ನು/ಬಹುಮತವನ್ನು ಧೃಡಪಡಿಸಬೇಕೆಂದು ರಾಜ್ಯಪಾಲರು ಪತ್ರ ಕೊಟ್ಟಿರುವುದು ಸ್ಪಷ್ಟವಾಗುತ್ತದೆ. ಪ್ರತಿವಾದಿಗಳು 1 ಮತ್ತು 12ನೇ ಪ್ರತಿವಾದಿಗಳ ಹೊರತಾಗಿ ರಾಜ್ಯಪಾಲರಿಗೆ ತಾವು ಬೆಂಬಲ ವಾಪಸ್ ಪಡೆಯುವ ಸಂದರ್ಭದಲ್ಲಿ ತಾವು ಸರ್ಕಾರಕ್ಕೆ ಬೆಂಬಲವನ್ನು ಹಿಂಪಡೆದಿರುವುದನ್ನು ಸಮರ್ಥಿಸಿಕೊಂಡಿರುತ್ತಾರೆ. ರಾಜ್ಯಪಾಲರ ಪತ್ರದಿಂದ ಹಾಗೂ ಇವರ ಸಮರ್ಥನೆಯಿಂದ ಒಂದು ಅಂಶ ಸ್ಪಷ್ಟವಾಗುವುದೇನೆಂದರೆ, ಪಕ್ಷವೊಂದರಿಂದ ಆಯ್ಕೆಯಾಗಿ ಶಾಸಕಾಂಗ ಪಕ್ಷದ ನಾಯಕರಿಂದ ರಚಿತವಾದ ಸರ್ಕಾರವನ್ನು ಸ್ಥಾಪಿತಗೊಳಿಸುವಲ್ಲಿ ತಮ್ಮ ಒಪ್ಪಿಗೆಯನ್ನು ನೀಡಿ, ಮತ್ತು ಬೆಂಬಲವನ್ನು ನೀಡಿ, ಅಂತಹ ಸರ್ಕಾರಕ್ಕೆ ಬೆಂಬಲ ಹಿಂಪಡೆಯುವ ಮೂಲಕ ತಮ್ಮ ನಡತೆಯಿಂದ ಪಕ್ಷದ ಸದಸ್ಯತ್ವವನ್ನು ಸ್ವಇಚ್ಛೆಯಿಂದ ಬಿಟ್ಟಿರುತ್ತಾರೆ, ಎಂಬುದು ಸ್ಪಷ್ಟವಾಗಿರುತ್ತದೆ.

ರಾಜ್ಯಪಾಲರಿಗೆ ಪತ್ರವನ್ನು ಸಲ್ಲಿಸಿದ ನಂತರ ಕರ್ನಾಟಕದಿಂದ ಗೋವಾ, ಮತ್ತಿತರ ಕಡೆಗಳಿಗೆ ತೆರಳಿ ಪ್ರತಿವಾದಿಗಳು ತಾವು ಪ್ರತ್ಯೇಕ ಗುಂಪು ಎಂದೂ ತಾವು ಒಟ್ಟಾಗಿದ್ದು, ಸರ್ಕಾರಕ್ಕೆ ಬೆಂಬಲವನ್ನು ಹಿಂಪಡೆಯುತ್ತೇವೆಂದು ಘೋಷಿಸಿರುತ್ತಾರೆ ಎಂಬುದನ್ನು ಅರ್ಜಿದಾರರು ಹೇಳಿದ್ದು, ಅದಕ್ಕೆ ಪತ್ರಿಕಾ ಹೇಳಿಕೆಗಳನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ಮತ್ತು ವಿದ್ಯುನ್ಮಾನಗಳಲ್ಲಿ ನೀಡಿದ ಹೇಳಿಕೆಯನ್ನು ನನ್ನ ಗಮನಕ್ಕೆ ತಂದಿದ್ದು, ಅವುಗಳನ್ನು ಪ್ರತಿವಾದಿಗಳು ಅಲ್ಲಗೆಳೆದಿರುವುದಿಲ್ಲ.

ವೈಯಕ್ತಿಕವಾಗಿ ನಾನೂ ಕೂಡ ಇಂತಹ ಹೇಳಿಕೆಗಳನ್ನು ಈ ತನಕ ಪ್ರತಿವಾದಿಗಳು ನೀಡುತ್ತಲೇ ಇರುವುದನ್ನು ಗಮನಿಸುತ್ತಿದ್ದೇನೆ. ಪ್ರತಿವಾದಿಗಳು ರಾಜ್ಯದ ಇನ್ನೊಂದು ಪಕ್ಷವಾದ ಜೆ.ಡಿ.(ಎಸ್)ನ ಸದಸ್ಯರೊಂದಿಗೆ ಹಾಗೂ ನಾಯಕರಾದ ಶ್ರೀ ಹೆಚ್.ಡಿ.ಕುಮಾರಸ್ವಾಮಿಯವರೊಂದಿಗೆ ಬದಲಿ ಸರ್ಕಾರ ರಚಿಸುವ ಬಗ್ಗೆ ಮಾತುಕತೆ ನಡೆಸಿರುವುದು ಹಾಗೂ ತದನಂತರ ಯಾವ ಕಾರಣಕ್ಕೂ ಈಗ ಹಿಂಪಡೆದ ಬೆಂಬಲವನ್ನು ವಾಪಸ್ಸು ಪಡೆಯುವ ಪ್ರಶ್ನೆಯೇ ಇಲ್ಲವೆಂದು ಕೂಡ ಪ್ರತಿವಾದಿಗಳು ಹೇಳಿದ್ದರೆಂಬ ವಾದವನ್ನು ಪ್ರತಿವಾದಿಗಳು ಅಲ್ಲಗೆಳೆದಿರುವುದಿಲ್ಲ. ಇದಕ್ಕೆ ಪೂರಕವಾಗಿ ಮಾಧ್ಯಮಗಳ ವರದಿಗಳು ಕೂಡ ಗಮನಿಸಲಾಗಿದೆ. ಬಿ.ಜೆ.ಪಿ ರಾಜ್ಯಾಧ್ಯಕ್ಷರ ಸಲ್ಲಿಸಿರುವ ಪ್ರಮಾಣ ಪತ್ರದಲ್ಲಿ ಪ್ರತಿವಾದಿಗಳು ಒಂದು ಗುಂಪಾಗಿ ಚೆನ್ನೈ, ಗೋವಾ ಮತ್ತಿತರ ಕಡೆಗಳಿಗೆ ಹೋಗಿದ್ದು, ಶ್ರೀ ಹೆಚ್.ಡಿ.ಕುಮಾರಸ್ವಾಮಿ, ರಾಜ್ಯಾಧ್ಯಕ್ಷರು, ಜೆ.ಡಿ(ಎಸ್), ಕರ್ನಾಟಕ ಇವರೊಂದಿಗೆ ಕಾಣಿಸಿಕೊಂಡಿದ್ದು, ಹಾಗೂ ಸರ್ಕಾರದ ವಿರುದ್ಧ ವಿಧಾನಸಭೆಯಲ್ಲಿ ಅರ್ಜಿ ಸಲ್ಲಿಸಿರುವ ವಿಶ್ವಾಸ ಮತಕ್ಕೆ ವಿರುದ್ಧವಾಗಿ ಮತ ಚಲಾಯಿಸುವುದಾಗಿ ಹೇಳಿಕೆ ಕೊಟ್ಟಿರುವುದು ಮತ್ತು ಜೆ.ಡಿ.(ಎಸ್) ನಾಯಕರಾದ ಶ್ರೀ ಜಮೀರ್ ಅಹ್ಮದ್ ಖಾನ್‌ರವರೊಂದಿಗೆ ವಿದ್ಯುನ್ಮಾನ ಮಾಧ್ಯಮಗಳಲ್ಲಿ ಕಾಣಿಸಿಕೊಂಡು ಬೇರೆ ಬೇರೆ ಊರುಗಳಿಗೆ ತೆರಳುವುದನ್ನು ತಮ್ಮ ಪ್ರಮಾಣ ಪತ್ರದಲ್ಲಿ ಸ್ಪಷ್ಟಗೊಳಿಸಿದ್ದು, ಇದನ್ನು ಪ್ರತಿವಾದಿಗಳು ಅಲ್ಲಗೆಳೆದಿರುವುದಿಲ್ಲ. ಪ್ರತಿವಾದಿಗಳು ಆಯ್ಕೆಯಾಗಿ ಬಿ.ಜೆ.ಪಿ ಪಕ್ಷದ ರಾಜಾಧ್ಯಕ್ಷರು ಸಲ್ಲಿಸಿರುವ ಪ್ರಮಾಣ ಪತ್ರದಲ್ಲಿ ಪ್ರತಿವಾದಿಗಳು ಸ್ವ ಇಚ್ಛೆಯಿಂದ ಪಕ್ಷದ ಸದಸ್ಯತ್ವವನ್ನು ಬಿಟ್ಟಿರುತ್ತಾರೆ. ಹಾಗೂ ಈ ಕಾರಣಕ್ಕಾಗಿ ಇವರು ಸಂವಿಧಾನದ ಅನುಬಂಧ 10ರ ಅಡಿಯಲ್ಲಿ ಅನರ್ಹತೆಗೊಂಡಿರುತ್ತಾರೆಂದು ಕೂಡ ಪ್ರಮಾಣ ಪತ್ರದಲ್ಲಿ ತಿಳಿಸಿರುತ್ತಾರೆ.

ಭಾರತ ಸಂವಿಧಾನದ 10ನೇ ಅನುಬಂಧವನ್ನು 52ನೇ ತಿದ್ದುಪಡಿ ಪ್ರಕಾರ 01–03–1985ರಿಂದ ಸೇರ್ಪಡೆಗೊಳಿಸಲಾಗಿದೆ. 10ನೇ ಪರಿಚ್ಛೇದದಲ್ಲಿ ಪ್ಯಾರಾ 2(1)(ಎ) ಪ್ರಕಾರ ಯಾವುದೇ ಒಬ್ಬ ವಿಧಾನಸಭಾ ಶಾಸಕ ಸ್ವಇಚ್ಛೆಯಿಂದ ಪಕ್ಷವನ್ನು ತೊರೆದಲ್ಲಿ ಅವನು ಸದಸ್ಯತ್ವದಿಂದ ಅನರ್ಹಗೊಳ್ಳುತ್ತಾನೆ. ಭಾರತ ಸಂವಿಧಾನದ 10ನೇ ಪರಿಚ್ಛೇದವನ್ನು ಯಾವ ಕಾರಣಕ್ಕಾಗಿ ತಿದ್ದುಪಡಿ ಮಾಡಿ ಸೇರಿಸಲಾಗಿದೆ ಎಂಬುದನ್ನು ಪರಿಗಣಿಸಬೇಕಾಗಿರುತ್ತದೆ. ಭಾರತದ ಪ್ರಜಾಪ್ರಭುತ್ವ ವ್ಯವಸ್ಥೆಯಲ್ಲಿ ಸ್ಥಿರತೆ ಹಾಗೂ ದೃಢತೆಯನ್ನು ಕಾಯ್ದುಕೊಳ್ಳುವ ಉದ್ದೇಶದಿಂದ, ಪ್ರಜಾಪ್ರಭುತ್ವ ಮೌಲ್ಯಗಳನ್ನು ಎತ್ತಿ ಹಿಡಿಯುವ ಉದ್ದೇಶದಿಂದ ಜನರಿಂದ ಆಯ್ಕೆಯಾದ ಸರ್ಕಾರದಲ್ಲಿ, ವಿಶ್ವಾಸವನ್ನು ಪಡೆಯುವ ಉದ್ದೇಶದಿಂದ, ಹಾಗೂ ಪಕ್ಷಾಂತರ ಪಿಡುಗಿಗೆ ಪದೇ ಪದೇ ಸರ್ಕಾರವನ್ನು ಅಸ್ಥಿರಗೊಳಿಸುವಂತಹ ವ್ಯವಸ್ಥೆ ಕಂಡುಬರುವುದರಿಂದ ಇಂತಹ ಲೋಪವನ್ನು ನಿವಾರಿಸಿ, ಆಯ್ಕೆಯಾದ ಅಭ್ಯರ್ಥಿಗಳು ಜನರ ಅಪೇಕ್ಷೆ ಹಾಗೂ ನಿರೀಕ್ಷೆಗೆ ತಕ್ಕಂತೆ ಆಯ್ಕೆಯಾದ ಪಕ್ಷದಲ್ಲಿ ಮುಂದುವರೆದು, ಜನರ ವಿಶ್ವಾಸಕ್ಕೆ ತರುವಂತಹ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ಬಂದಿರುವುದರಿಂದ ಇಂತಹ ಕುಚೋದ್ಯವನ್ನು (Mischief) ನಿವಾರಿಸಿ ಒಂದು ದೃಢ, ವಿಶ್ವಾಸಪೂರ್ಣವಾದ ಹಾಗೂ ಜನರ ನಿರೀಕ್ಷೆಗೆ ತಕ್ಕಂತಹ ಸರ್ಕಾರವನ್ನು ಸ್ಥಾಪಿಸಿ, ಪದೇ ಪದೇ ಚುನಾವಣೆಯನ್ನು ನಡೆಸುವಂತಹ ಪ್ರಕ್ರಿಯೆಯನ್ನು ತಪ್ಪಿಸಲು ಸಂವಿಧಾನದ 10ನೇ ಅನುಬಂಧವನ್ನು ಸೇರಿಸಲಾಗಿದೆ. ಈ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಪ್ರಕರಣಕ್ಕೆ ಹೇಡನ್ ರೂಲ್ಸ್ ನಿಯವನ್ನು ಗಮನದಲ್ಲಿಟ್ಟು ವ್ಯಾಖ್ಯಾನಿಸುವ ಅಗತ್ಯ ಇದೆ. ಹೇಡನ್ ನಿಯಮದಂತೆ "To Supress the mischief and to advance the remedy" ಅಂದರೆ ಕುಚೋದ್ಯವನ್ನು (Mischief) ನ್ನು ಮುಚ್ಚಿಹಾಕಿ ಕಾನೂನಿನ ಉದ್ದೇಶವನ್ನು ಇಂತಹ ಸಂದರ್ಭದಲ್ಲಿ ಸ್ಥಾಪಿಸುವ ಅವಶ್ಯಕತೆ ಇದೆ. ಭಾರತದ ಸರ್ವೋಚ್ಛ ನ್ಯಾಯಾಲಯ Bengal Immunity Co. Ltd. v/s State of Bhihar AIR 1955 SC 661. ಇದರಲ್ಲಿ ಈ ನಿಯಮನ್ನು ಪಾಲಿಸುವ ವಿಷಯವಾಗಿ ಈ ರೀತಿಯಾಗಿ ಹೇಳಿರುತ್ತದೆ.

"First what was the common law before the making of the Act; second, what was the mischief and defect for which the common law did not provide; third, what remedy the Parliament has resolved and appointed to cure the disease and fourth, the true reason of the remedy; and then the office of the all judges is always to make such construction as shall suppress the mischief, and advance the remedy, and to suppress subtle inventions and evasions for continuance of the mischief, and pro private commodo, and to add force and life to the cure and remedy, according to the true intent of the makers of the Act, Pro bona publico."

ಇನ್ನೊಂದು ತೀರ್ಪು

1999 SCC (Criminal) 524 NEPC MICON LTD. AND OTHERS - VS- MAGMA LEASING LTD. ಇದರಲ್ಲಿ, ಈ ರೀತಿ ಹೇಳಲಾಗಿದೆ.

Para 11) Further, While interpreting the statutory provision rule dealing with penalty under the Drugs and Cosmetics Act, 1940 and the rules in the case of Swantraj vs State of Maharashtra this court held that every legislation is a social document and judicial construction seeks to decipher the statutory mission, language permitting, taking the one from the rule in Heydon's case of suppressing the evil and advancing the remedy. The Court held that what must tilt the balance is the purpose of the statute, its potential frustration and judicial avoidance of the mischief by a construction whereby the means of licensing meet the ends of ensuring pure and potent remedies for the people. The Court observed that this liberty with language is sanctified by great judges and textbooks. Maxwell instructs us in these words.

"There is no doubt that ' the office of the judge is, to make such construction as will suppress the mischief, and advance the remedy, and to suppress all evasions for the continuance of the mischief. To carry out effectively the object of statute, it must be so construed as to defeat all attempts to do, or avoid doing, in

an indirect or circuitous manner that which it has prohibited or enjoined: quando aliquid prohibetur, prohibetur et omne pe quod devenitur ad illud.

This manner of construction has two aspects. One is that courts, mindful of the mischief rule, will not be astute to narrow the language of a statute so as to allow persons within its purview to escape its net. The other is that the statute may be applied to the substance rather than the mere form of transactions, thus defeating any shifts and contrivances which parties may have divised in the hope of thereby falling outside the Act. When the courts find an attempt at concealment, they will, in the words of Wilmot, C.J. "brush away the cobweb varnish, and shew the transactions in their true light'."

Para 12) This benignant rule originated four hundred years ago in Heydon's case which resolved

"{T}hat for the sure and true interpretation of all statutes in general (be they penal or beneficial, restrictive or enlarging of the common law), four things are to be discerned and considered:

1st. what was the common law before the making Act.
2nd What was the mischief and defect for which the common law did not provide.
3rd What remedy parliament hath resolved and appointed to cure the disease of the commonwealth.

a) And, 4th The true reason of the remedy; and then the office of all the judges is always to make such constructions as shall suppress the mischief, and advance the remedy, and to suppress subtle inventions and evasions for continuance of the mischief, and pro private commodo, and to add force and life to the cure and remedy, according to the true intent of the makers of the Act, Pro bono publico."

b) Even with regard to the penal provision which is also a remedial one in the case of State of T.N v M.K. Kandaswami the Court observed that in interpreting such a provision, a construction which would defeat its purpose and in effect, obliterate it from the statute-book should be eschewed; if more than one construction is possible that which preserved its workability and ifficacy is to be preferred to the one which would render it otiose or sterile.

c. Para 13) In the case of International ore and Fertilizers (India) (P) Ltd. V. ESI Corpn this court referred to an oft-quoted passage from the decision in the case of seaford court Estates Ltd. V. Asher wherein Lord Denning, L.J observed:

" The English language is not an instrument of mathematical precision, Our literature would be much poorer if it were. This is where the draftsmen of Acts of Praliament have often been unfairly criticized. A judge, believing himself to be fettered by the supposed rule that he must look to the language and nothing else, laments that the draftsman have not provided for this or that, or have been guilty of some or other ambiguity. It would certainly save the judges trouble if Acts of Parliament were drafted with divine prescience and perfect clarity. In the absence of it, when a defect appears a judge cannot simply fold his hands and blame the draftsman. He must set to work on the constructive task of finding the intention of Parliament, and he must do this not only form the language of the stuate, but also form a consideration of the social conditions which gave rise to it and of the mischief which it was passed to remedy, and then he must supplement the written word so as to give "force and life' to the intention of the legislature……. A judge should ask himself the question how, if the makers of the Act had themselves come across this ruch in the texture of it, they would have straightened it out? He must then do so as they would have done. A judge must not alter the material of which the Act is woven, but he can and should iron out the creases."

ಈ ಹಿನ್ನೆಲೆಯಲ್ಲಿ 10ನೇ ಅನುಬಂಧ ಸಂವಿಧಾನಕ್ಕೆ ತಿದ್ದುಪಡಿಯಾಗಿ ಸೇರಿಸಲ್ಪಟ್ಟ ಉದ್ದೇಶವನ್ನು ಪರಿಗಣಿಸಿ ಈ ಪ್ರಕರಣಕ್ಕೆ ಅನ್ವಯಿಸಿದಲ್ಲಿ ಪ್ರತಿವಾದಿಗಳ ನಡತೆ ಆಪಾದಿಸಿದ ಅನರ್ಹತೆಯೊಳಗೆ ಬರುವುದಿಲ್ಲ ಎಂಬುದನ್ನು ಹೇಳಿರುವುದು (Mischief) ಎಂದು ಪರಿಗಣಿಸಬೇಕಾಗುತ್ತದೆ. 10ನೇ ಪರಿಚ್ಛೇದವನ್ನು ಜಾರಿಗೆ ತಂದ ಉದ್ದೇಶವನ್ನು ಗಮನದಲ್ಲಿಟ್ಟುಕೊಂಡು ಪ್ರಕರಣವನ್ನು ಪರಿಗಣಿಸುವ ಅವಶ್ಯಕತೆಯಿದೆ. ಅರ್ಜಿದಾರರು ಹೇಳುವಂತೆ ಪ್ರತಿವಾದಿಗಳು ಪಕ್ಷದ ಅಭ್ಯರ್ಥಿಗಳಿಗೆ ಆಯ್ಕೆಯಾದ ಪಕ್ಷದಿಂದ ಸ್ಥಾಪಿತವಾದ ಸರ್ಕಾರಕ್ಕೆ ಒಪ್ಪಿಗೆಯನ್ನು ನೀಡಿರುವುದು ನಿರ್ವಿವಾದದ ಅಂಶವಾಗಿದೆ. ಆದರೆ ಅದರ ಪ್ರಕೃತ ಬೆಂಬಲವನ್ನು ಹಿಂಪಡೆದ ಕ್ರಮವು ಹಾಗೂ ಯಾವ ಕಾರಣಕ್ಕೂ ಬೆಂಬಲವನ್ನು ಕೊಡಲು ಸಾಧ್ಯವಿಲ್ಲ ಹಾಗೂ ತನ್ಮೂಲಕ ರಾಜ್ಯಪಾಲರ ಪತ್ರದ ಮುಖಾಂತರ ಖಡಾಖಂಡಿತವಾಗಿ ಘೋಷಿಸಿರುವುದು, ಇನ್ನೊಂದು ಪಕ್ಷದ ಜತೆ ಗುರುತಿಸಿಕೊಂಡು ನಡೆದಿರುವುದು ಹಾಗೂ ವಾದದ ಸಂದರ್ಭದಲ್ಲಿ ಅದನ್ನು ಸಮರ್ಥಿಸಿಕೊಂಡಿರುವುದನ್ನು ಪರಿಗಣಿಸಿದಲ್ಲಿ ಪ್ರತಿವಾದಿಗಳು 10ನೇ ಅನುಬಂಧದ ಅನರ್ಹತೆಗೆ ಒಳಗಾಗುತ್ತಾರೆಂದು ನನಗೆ ಮನದಟ್ಟಾಗುತ್ತದೆ.

ಪ್ರತಿವಾದಿಗಳು ಕೇವಲ ನಾಯಕತ್ವದ ವಿಚಾರದಲ್ಲಿ ಮಾತ್ರ ತಮಗೆ ಬಿನ್ನಾಭಿಪ್ರಾಯ ಇದ್ದಲ್ಲಿ ಅದನ್ನು ಪಕ್ಷದ ವೇದಿಕೆಯಲ್ಲಿ ಮಾತ್ರ ಚರ್ಚಿಸಬೇಕಾಗಿತ್ತು. ನಾಯಕತ್ವ ವಿಚಾರವಾಗಿದ್ದಲ್ಲಿ ಏಕಾಏಕಿಯಾಗಿ ರಾಜ್ಯಪಾಲರ ಬಳಿ ತಾವು ಆಯ್ಕೆಯಾದ ಪಕ್ಷದಿಂದ, ತಮ್ಮ ಒಪ್ಪಿಗೆ ಹಾಗೂ

ಬೆಂಬಲದೊಂದಿಗೆ ರಚಿಸಿದ ಸರ್ಕಾರಕ್ಕೆ ಬೆಂಬಲವನ್ನು ಹಿಂತೆಗೆಯುವ ಪ್ರಶ್ನೆ ಉದ್ಭವಿಸುವುದಿಲ್ಲ. ಪ್ರತಿವಾದಿಗಳಿಗೆ ಕೇವಲ ನಾಯಕತ್ವದ ಬದಲಾವಣೆ ಉದ್ದೇಶವಿದ್ದಲ್ಲಿ ಅದನ್ನು ಪಕ್ಷದ ವೇದಿಕೆಯಲ್ಲಿ ಅಥವಾ ಶಾಸಕಾಂಗ ಪಕ್ಷದ ಸಭೆಯಲ್ಲಿ ಪ್ರಸ್ತಾಪಿಸಿ ನಾಯಕತ್ವದ ಬದಲಾವಣೆಗೆ ಆಗ್ರಹಿಸಬೇಕೇ ವಿನ: ರಾಜ್ಯಾಪಾಲರಲ್ಲಿ ಸರ್ಕಾರಕ್ಕೆ ನೀಡಿದ ಬೆಂಬಲವನ್ನು ಹಿಂಪಡೆಯುವುದು ಸಮರ್ಥನೀಯವಾದ ಕ್ರಮವಾಗಿರುವುದಿಲ್ಲ. ರಾಜ್ಯಪಾಲರು ಶಾಸಕಾಂಗ ಪಕ್ಷದ ನಾಯಕನ ಆಯ್ಕೆಯನ್ನು ಎಂದೂ ಮಾಡುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ರಾಜ್ಯಪಾಲರಲ್ಲಿ ಪ್ರತಿವಾದಿಗಳು ನೀಡಿರುವ ಬೆಂಬಲವನ್ನು ಹಿಂತೆಗೆದು ಇನ್ನೊಂದು ಪಕ್ಷದ ನಾಯಕರ ಜೊತೆಗೆ ಕೈ ಜೋಡಿಸುವುದು ಹಾಗೂ ಮಾಧ್ಯಮಗಳ ಮೂಲಕ ಹೇಳಿಕೆಯನ್ನು ನೀಡುವುದು ಮತ್ತು ತಮ್ಮ ಬೆಂಬಲ ಹಿಂಪಡೆಯುವ ಕಾರಣದಿಂದಾಗಿ ರಾಜ್ಯಪಾಲರು ನಿರ್ದೇಶಿಸಿದ ವಿಶ್ವಾಸಮತ ಯಾಚನೆ ಸಂದರ್ಭದಲ್ಲಿ ಸರ್ಕಾರಕ್ಕೆ ಬೆಂಬಲವನ್ನು ಕೊಡುವ ಪ್ರಶ್ನೆಯೇ ಇಲ್ಲವೆಂದು ಘೋಷಿಸಿರುವುದು ಹಾಗೂ ವಾದ ವಿವಾದಗಳಲ್ಲಿ ಇದೇ ವಾದವನ್ನು ಸಮರ್ಥಿಸಿರುವುದು ನೋಡಿದರೆ ಪ್ರತಿವಾದಿಗಳ ನಡೆತೆಯಿಂದ 10ನೇ ಪರಿಚ್ಛೇದದ ಒಳಗೆ ಇವರು ಅನರ್ಹತೆಗೊಳ್ಳಲು ಬಾಧ್ಯರು ಎಂಬುದು ನನಗೆ ಮನದಟ್ಟಾಗುತ್ತದೆ.

ಈ ರೀತಿಯ ನಡತೆಯನ್ನು ಪರಿಗಣಿಸಿ ಪ್ರತಿವಾದಿಗಳನ್ನು ಅನರ್ಹಗೊಳಿಸಬಹುದಾಗಿದೆ ಎಂಬ ವಿಚಾರ ಪರಿಗಣಿಸಲು ನಾನು ಈ ಕೆಳಗಿನ ಸರ್ವೋಚ್ಛ ನ್ಯಾಯಾಲಯದ ತೀರ್ಮಗಳನ್ನು ಉಲ್ಲೇಖಿಸುತ್ತೇನೆ.

1) AIR 1994 SC 1558 Ravi.S Naik .V/S Union of India ಇವರ ತೀರ್ಪಿನ 11ನೇ ಪ್ಯಾರಾವನ್ನು ಇದಕ್ಕೆ ಪೂರಕವಾಗಿ ಇಲ್ಲಿ ಉಲ್ಲೇಖಿಸಲು ಇಚ್ಛಿಸುತ್ತೇನೆ.

"This appeal has been filed by Bandekar and Chopdekar who were elected to the Goa Legislative Assembly under the ticket of MGP. They have been disqualified from membership of the Assembly under order of the Speaker dated December 13, 1992 (1990) on the ground of defection under Paragraph 2(1)(a) and 2(1)(b) of the Tenth Schedule. From the judgment of the High Court it appears that disqualification on the ground of Paragraph 2(1)(b) was not pressed on behalf of the contesting respondent and disqualification was sought on the ground of paragraph 2(1)(a) only. The said Paragraph provides for disqualification of a member of a House belonging to a political party "if he has voluntarily given up his membership of such political party" The words "voluntarily given up his membership" are not synonymous with "resignation" and have a wider connotation. A person may voluntarily give up his membership of a political party even though he has not tendered his resignation from the membership of the party. Even in the absence of a formal resignation from membership an inference can be drawn from the conduct of a member that he has voluntarily given up his membership of the political party to which he belongs"

2) 2007 AIR SCW 158 JAGJITSINGH V/S STATE OF HARIYANA ಪ್ಯಾರಾ 14, 52 ಮತ್ತು 54ನ್ನು ಉಲ್ಲೇಖಿಸುತ್ತೇನೆ.

Para-14) At the outset, we may mention that while considering the plea of violation of principles of natural justice, it is necessary to bear in mind that the proceedings, under the Tenth Schedule, are not comparable to either a trial in a court of law or departmental proceedings for disciplinary action against an employee, But the proceedings here are against an elected representative of the people and the judge holds independent high office of a Speaker. The scope of judicial review in respect of proceedings before such Tribunal is limited. We may hasten to add that howsoever united may be the field of judicial review. The principles of natural justice have to be implied with and in their absence, the orders would stand vitiated. They yardstick to edge the grievance that reasonable opportunity has not been afforded would however, be different further, if the view taken by the Tribunal is a reasonable one, the court would decline to strike down an order on the ground that another view is more reasonable. The Tribunal can draw an inference from the conduct of a member, of course depending upon the facts of the case and totality of the circumstances.

Para-52) We are of the view that to determine whether an independent member has Toined a political party the test is not whether he has fulfilled the formalities for obtaining a political party. The test is whether he has given up his independent character on which he was elected by the electorate. A mere expression of outside support could not lead to an implication of a member joining a political party. At the same time non-fulfillment of formalities with a view to defeat the intent of paragraph 2(2) also of no consequence. The question of fact that a member has given up his independent character and joined, for all intent and purposes, a political party though formally so as to incur disqualification provided in paragraph 2(2) is to be determined on appreciation of the material on record.

Para-54) Under the aforesaid circumstances, we are unable to find any illegality in the impugned orders holding that the petitioners (in Writ Petition Nos.290, 291, 293 and 294 of 2004) have incurred disqualification as provided in paragraph 2(2) of the tenth schedule of the Constitution of India.

3. 2007 (SCC) Page 270 (Para 31,34 ಮತ್ತು 48,49) ಇಲ್ಲಿ ಉಲ್ಲೇಖಿಸುತ್ತೇನೆ.

“Para-31. Considerable arguments were addressed on the scope of para 2 and para 3 of the Tenth Schedule with particular reference to the point of time that must be considered to be relevant. Whereas it was argued on behalf of leader of BSP that the liability or disability is incurred at the point of voluntarily giving up the membership of the political party, according to the 37 MLAs who left, the relevant point of time is the time when the Speaker takes a decision on the plea for disqualification. As a corollary to the above, the contention on the one side is that if on the day the disqualification is incurred there has been no split in terms of para-3, those disqualified who had given up their membership of the party must be declared disqualified, the argument on the other side is that if by the time the Speaker takes the decision, the persons sought to be disqualified are able to show that there has been a split in the original party and by that time they have a strength of one-third of the legislature party, the Speaker will have necessarily to accept the split and reject the petition for disqualification. In other words, according to this argument all developments until the point of decision by the Speaker are to be taken note of by him, while deciding the question of disqualification. They canvas the acceptance of what the learned Chief Justice of the High Court has called the snowballing effect of Persons severing their connections with the original party and joining the quitters subsequently and not confining the decision to the point of their alleged severing their connection with the original party.

“Para-34. As we see it, the act of disqualification occurs on a member voluntarily giving up his membership of a political party or at the point of defiance of the whip issued to him. Therefore, thae act that constitutes disqualification in terms of para 2 of the Tenth schedule is the act of giving up or defiance of the whip. The fact that a decision in that regard may be taken in the case of voluntary giving up, by the Speaker at a subsequent point of time cannot and does not postpone the incurring of disqualification by the act of the legislator. Similarly, the fact that the party could condone the defiance of a whip within 15 days or that the Speaker takes the decision only thereafter in those cases, cannot also pitch the time of disqualification as anything other than the point at which the whip is defied. Therefore in the background of the object sought to be achieved by the Fify-second Amemdment of the constitution and on a true understanding of para 2 of the Tenth Schedule, with reference to the other paragraphs of the Tenth Schedule, the position that emerges is that the Speaker has to decide the question of disqualification with reference to the date on which the member voluntarily gives up his membership or defies the whip. It is really a decision ex post facto. The fact that in terms of para-6 a decision on the question has to be taken by the Speaker or the chairman, cannot lead to a conclusion that the question has to be determined only with reference to the date of the decision of the Speaker. An interpretation of that nature would leave the disqualification to an indeterminate point of time and to the wims of the decision making authority. The same would defeat the very object of enacting the law. Such as interpretation should be avoided to the extent possible. We are, therefore, of the view that the contention that (sic it is) only on a decision of the Speaker that the disqualification is incurred, cannot be accepted. This would mean that what the learned Chief justice has called the snowbailing effect, will also have to be ignored and the question will have to be decided with reference to the date on which the membership of the legislature party is alleged to have been voluntarily given up.”

“Para-48. The act of giving a letter requesting the Governor to call upon the leader of the other side to form a Government, itself would amount to an act of voluntarily giving up the membership of the party on whose ticket the said members had got elected. Be it noted that on 26-08-2003, the leader of their party had recommended to the Governor, a dissolution of the Assembly. The first eight were accompanied by Shivpal Singh Yadav, the General Secretary of the Samajawadi party. In Ravi Naik this court observed; (SCC P649 Para-11)”

“A Person may voluntarily give up his membership of a political party even though he has not tendered his resignation from the membership of that party. Even in the absence of a formal resignation from membership an inference can be drawn form the conduct of a member that he has voluntarily given up his membership of the political party to which he belongs.”

“Para-49. Clearly, form the conduct of meeting the governor accompanied by the General Secretary of the Samajavadi party, the party in opposition and the submission of letters requesting the Governor to invite the leader of that opposition party to form a government as against the advise of the Chief Minister belonging to their original party to dissolve the assembly, an irresistible inference arises that the 13 members have clearly given up their membership of the BSP. No further evidence or enquiry is needed to

find that their action comes within para 2(1)(a) of the Tenth Schedule. Then the only question is whether they had shown at least prima facie that a split had occurred in the original political party on 26-08-2003 and they had separated form it along with at least 24 others, so as to make up one-third of the legislature party."

ಈ ತೀರ್ಪಿನ ಅಂಶಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಿರುತ್ತೇನೆ. ಇದನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ ಸ್ಪಷ್ಟವಾಗುವ ಅಂಶವೇನೆಂದರೆ, ಪ್ರತಿವಾದಿಗಳ ನಡತೆಯಿಂದ ಅನುಬಂಧ 10ರ ಪ್ಯಾರಾ 2(1)(ಎ)ರ ಅಡಿಯಲ್ಲಿ ಅನರ್ಹತೆಗೆ ಒಳಗಾಗುತ್ತಾರೆಯೇ ಎಂಬುದನ್ನು ಪರಿಗಣಿಸಬಹುದಾಗಿದೆ.

ಪ್ರತಿವಾದಿಗಳು ತಮ್ಮ ನಡತೆಯನ್ನು ಎಲ್ಲೂ ಅಲ್ಲಗೆಳೆದಿರುವುದಿಲ್ಲ ಮತ್ತು ವಾದದ ಸಂದರ್ಭದಲ್ಲಿಯೂ ಸಮರ್ಥಿಸಿಕೊಂಡಿರುತ್ತಾರೆ. ಅವರ ನಡತೆಯಿಂದ ಅವರು ಸ್ವಇಚ್ಛೆಯಿಂದ ತಾವು ಆಯ್ಕೆಯಾದ ಪಕ್ಷದ ಸದಸ್ಯತ್ವವನ್ನು ತೊರೆದಿರುತ್ತಾರೆ ಹಾಗೂ ಈ ಕಾರಣಕ್ಕಾಗಿ 10ನೇ ಅನುಬಂಧದಲ್ಲಿ ಹೇಳಲ್ಪಟ್ಟ ಅನರ್ಹತೆಯ ವ್ಯಾಪ್ತಿಗೆ ಒಳಪಟ್ಟಿರುತ್ತಾರೆಂದು ನಾನು ಸ್ಪಷ್ಟವಾಗಿ ಅಭಿಪ್ರಾಯ ಪಡುತ್ತೇನೆ. ಈ ರೀತಿ ಒಂದು ಪಕ್ಷದಿಂದ ಆಯ್ಕೆಯಾಗಿ ಪಕ್ಷದ ಸದಸ್ಯರ ಬೆಂಬಲ ಹಾಗೂ ಸಮ್ಮತಿಯೊಂದಿಗೆ ರಚಿಸಲ್ಪಟ್ಟ ಸರ್ಕಾರದಲ್ಲಿ ಹಾಗೂ ಆಯ್ಕೆಯಾದ ನಾಯಕನ ವಿರುದ್ಧವಾಗಿ ನಡೆದುಕೊಂಡು, ಬೆಂಬಲ ಹಿಂಪಡೆಯುವುದರಿಂದ 10ನೇ ಅನುಬಂಧದ ಆಶಯವನ್ನು ಉಲ್ಲಂಘಿಸಿದಂತಾಗುತ್ತದೆ.

ಯಾವುದೇ ಕಾನೂನನ್ನು ಜಾರಿಗೆ ತಂದ ಉದ್ದೇಶವನ್ನು ಗಮನದಲ್ಲಿ ಇಟ್ಟುಕೊಂಡು ವ್ಯಾಖ್ಯಾನಿಸಬೇಕಾಗುತ್ತದೆ. ಪ್ರತಿವಾದಿಗಳು ನಡೆದ ರೀತಿ ಹಾಗೂ ಅವರು ತೆಗೆದುಕೊಂಡ ನಿಲುವನ್ನು ಗಮನಿಸಿದಾಗ ಅವರು ಕಾನೂನಿನ ಪರಿಧಿಯಿಂದ ತಮ್ಮನ್ನು ಹೊರಗುಳಿಸಿಕೊಂಡು 10ನೇ ಅನುಬಂಧವನ್ನು ಜಾರಿಗೆ ತಂದ ಉದ್ದೇಶವನ್ನೇ ಮರೆಮಾಚಿ ತಮ್ಮ ಕುಚೋದ್ಯ (Mischief) ವನ್ನು ಸಾಕಾರಗೊಳಿಸಲು ಪ್ರಯತ್ನಿಸುತ್ತಿರುವುದು ಕಂಡುಬರುತ್ತದೆ. ಪ್ರತಿವಾದಿಗಳ ನಡತೆಗೆ ಕಾನೂನಿನ ದೃಷ್ಟಿಯಲ್ಲಿ ಯಾವುದೇ ರೀತಿಯ ರಕ್ಷಣೆಯೂ ಇರುವುದಿಲ್ಲ. ಒಮ್ಮೆ ಆಯ್ಕೆಯಾದ ಸರ್ಕಾರ ಸ್ಥಿರವಾಗಿ ಜನರ ಆಶೋತ್ತರಗಳಿಗೆ ಪೂರಕವಾಗಿ ನಡೆಯಬೇಕೆಂಬುದು ಪ್ರತಿಯೊಬ್ಬರ ಅಪೇಕ್ಷೆಯಾಗಿರುತ್ತದೆ.

ರಾಜ್ಯಪಾಲರಲ್ಲಿ ಬೆಂಬಲ ಹಿಂಪಡೆಯುವುದಾಗಿ ಪ್ರತಿವಾದಿಗಳೆಲ್ಲರೂ ಘೋಷಿಸಿದ್ದು, ಆದರೆ ನಂತರ ದಿನಗಳಲ್ಲಿ ಒಂದನೇ ಪ್ರತಿವಾದಿಯಾದ ಶ್ರೀ ಎಂ.ಪಿ.ರೇಣುಕಾಚಾರ್ಯ ಮತ್ತು 12ನೇ ಪ್ರತಿವಾದಿಯಾದ ಶ್ರೀ ನರಸಿಂಹನಾಯಕ್ (ರಾಜುಗೌಡ) ಇವರು ತಾವು ಯಾವುದೇ ಉದ್ದೇಶದಿಂದ ಬೆಂಬಲವನ್ನು ಹಿಂಪಡೆಯುವ ಕೃತ್ಯಕ್ಕೆ ಕೈ ಹಾಕಿರುವುದಿಲ್ಲ. ಬದಲಿಗೆ ಉಳಿದವರ ಒತ್ತಡಗಳಿಂದಾಗಿ ಈ ರೀತಿ ಪತ್ರಕೊಟ್ಟಿದ್ದು, ತಾವು ಆಯ್ಕೆಯಾದ ಪಕ್ಷ ಹಾಗೂ ಬೆಂಬಲ ನೀಡಿದ ಸರ್ಕಾರಕ್ಕೆ ಹಾಗೂ ನಾಯಕರಿಗೆ ನಿಷ್ಠೆಯಿರುವುದಾಗಿ ಪ್ರಕಟಿಸಿದ್ದು, ಅದನ್ನು ಪಕ್ಷದ ಅಧ್ಯಕ್ಷರು ಶ್ರೀ ಕೆ.ಎಸ್.ಈಶ್ವರಪ್ಪನವರು ಸಲ್ಲಿಸಿರುವ ಪತ್ರದಲ್ಲಿ ಕೂಡ ಧೃಡೀಕರಿಸಿದ್ದಾರೆ. ಇವರು ಸಂವಿಧಾನದ 10ನೇ ಅನುಬಂಧದ ವ್ಯಾಖ್ಯಾನದಲ್ಲಿ ಈ ಕಾರಣದಿಂದ ಅನರ್ಹತೆಗೊಂಡಿರುವುದಿಲ್ಲವೆಂದು ಅಭಿಪ್ರಾಯಪಟ್ಟಿರುತ್ತೇನೆ. ಮಾತ್ರವಲ್ಲದೆ ಈ ದಿನ ತಮ್ಮ ವಕೀಲರ ಮುಖಾಂತರ ತಾವು ಆಯ್ಕೆಯಾದ ಪಕ್ಷ ಹಾಗೂ ಬೆಂಬಲಿಸಿದ ಸರ್ಕಾರಕ್ಕೆ ತಮ್ಮ ಬೆಂಬಲ, ನಿಷ್ಠೆ ಇರುವುದಾಗಿ ಪುನರ್ ಉಚ್ಛರಿಸಿ ಅರ್ಜಿದಾರರಲ್ಲಿ ವಿಶ್ವಾಸವನ್ನು ವ್ಯಕ್ತಪಡಿಸಿದ್ದು, ಹಾಗೂ ಇದನ್ನು ವಾದದಲ್ಲಿ ಧೃಡೀಕರಿಸಿರುವುದರಿಂದ ಇವರು ಅನರ್ಹರಾಗಿರುವುದಿಲ್ಲ ಎಂಬ ಅಭಿಪ್ರಾಯಕ್ಕೆ ಬರುತ್ತಿದ್ದೇನೆ.

ಇದೇ ಸಂದರ್ಭದಲ್ಲಿ ಇವರಿಬ್ಬರು ನೀಡಿದ ಹೇಳಿಕೆಯನ್ನು ಗಮನಿಸಿದಾಗ ಉಳಿದ ಪ್ರತಿವಾದಿಗಳ ಒಟ್ಟಿಗೆ ಸೇರಿ ಜೆ.ಡಿ.ಎಸ್ ಪಕ್ಷದ ನಾಯಕರಾದ ಶ್ರೀ ಹೆಚ್.ಡಿ.ಕುಮಾರಸ್ವಾಮಿ ಇವರೊಂದಿಗೆ ರಚಿಸಲಾಗುವ ಸರ್ಕಾರಕ್ಕೆ ಬೆಂಬಲ ವ್ಯಕ್ತಪಡಿಸುವ ನಿರ್ಣಯ ತೆಗೆದುಕೊಂಡಿದ್ದು, ಹಾಗೂ ಈ ನಿಟ್ಟಿನಲ್ಲಿ ತಾವು ಆಯ್ಕೆಯಾದ ಪಕ್ಷದ, ಸರ್ಕಾರದ ವಿರುದ್ಧ ನಡೆದುಕೊಂಡಿರುವುದು ಕೂಡ ಗಮನಿಸಲಾಗಿದೆ. ಇದು ಪ್ರತಿವಾದಿಗಳ ನಡತೆಯನ್ನು ಅಂದರೆ ಪಕ್ಷ ತ್ಯಜಿಸಿರುವುದನ್ನು ಮತ್ತಷ್ಟು ಪುಷ್ಟೀಕರಿಸುತ್ತದೆ. ಈ ಎಲ್ಲಾ ಕಾರಣಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಮತ್ತು ವಸ್ತುಸ್ಥಿತಿಯ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಪ್ರತಿವಾದಿಗಳು 2 ರಿಂದ 11 ಮತ್ತು 13, ಭಾರತ ಸಂವಿಧಾನದ 10ನೇ ಅನುಭಂಧದ ಪ್ಯಾರಾ 2(1)(ಎ) ಅಡಿಯಲ್ಲಿ ತಮ್ಮ ಶಾಸಕ ಸ್ಥಾನದಿಂದ ಅನರ್ಹಗೊಂಡಿರುತ್ತಾರೆಂದು ನನಗೆ ಮನದಟ್ಟಾಗಿರುವುದರಿಂದ ಮೇಲಿನ ವಿವಾದಾಂಶವನ್ನು ಸಕಾರಾತ್ಮಕವಾಗಿ ಉತ್ತರಿಸುತ್ತೇನೆ.

<u>ವಿವಾದಾಂಶ–2</u>

ಪ್ರತಿವಾದಿಗಳು ತಮ್ಮ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ಕನಿಷ್ಠ 7 ದಿನಗಳು ಕಾಲಾವಕಾಶ ಕೊಡಬೇಕೆಂದು ಹೇಳಿರುತ್ತಾರೆ. ಹಾಗೂ ಅರ್ಜಿಯು ಕರ್ನಾಟಕ ವಿಧಾನಸಭೆ (ಪಕ್ಷಾಂತರದ ಮೇರೆಗೆ ಸದಸ್ಯರ ಅನರ್ಹತೆ) ನಿಯಮಾವಳಿಗಳು, 1986ರ ನಿಯಮದ 6 ಮತ್ತು 7ರಂತೆ ಇರುವುದಿಲ್ಲವೆಂದು ಹೇಳಿರುತ್ತಾರೆ. ನಿಯಮ 7(3)ನ್ನು ಇಲ್ಲಿ ಉಲ್ಲೇಖಿಸಲಾಗಿದೆ.

"7(3). If the petition comples with the requirements of rule 6, the Speaker shall cause copies of the petition and of the annexures there to be forwarded-

(a) To the member in relation to whom the petition has been made and

(b) Where such member belongs to any legislature party and such petition has not been made by the leader thereof, also to such leader,

and such members or leader shall, within seven days of the receipt of such copies, or within such further period as the Speaker may or sufficient cause allow, forward his comments in writing to the Speaker.

ಪ್ರತಿವಾದಿಗಳು ಅರ್ಜಿದಾರರ ಅರ್ಜಿಯ ಮೇಲೆ ನೀಡಲಾದ ನೋಟಿಸಿಗೆ ದಿನಾಂಕ: 09–10–2010ರಂದು ತಮ್ಮ ವಕೀಲರ ಮೂಲಕ ಹಾಜರಾಗಿ ಆಕ್ಷೇಪಣೆಯನ್ನು ವಿವರವಾಗಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ತಮ್ಮ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ತಾವು ಸರ್ಕಾರಕ್ಕೆ ನೀಡಿದ ಬೆಂಬಲವನ್ನು ಹಿಂತೆಗೆದಿರುವುದು ಸತ್ಯ ಎಂಬುದಾಗಿ ಸ್ಪಷ್ಟವಾಗಿ ಹೇಳಿರುತ್ತಾರೆ ಮತ್ತು ಒಪ್ಪಿಕೊಂಡಿರುತ್ತಾರೆ. ಹಾಗಿದ್ದರೂ ಅವರ ಬೇಡಿಕೆಯಂತೆ ವಿಚಾರಣೆಯನ್ನು ಈ ದಿನಕ್ಕೆ ಮುಂದೂಡಲಾಗಿತ್ತು. ಈ ದಿನ ಅವರ ನ್ಯಾಯವಾದಿಗಳು ಹಾಜರಾಗಿ ಸವಿವರವಾಗಿ ವಾದವನ್ನು ಮಂಡಿಸಿರುತ್ತಾರೆ. ತಮ್ಮ ವಾದದ ಸಂದರ್ಭದಲ್ಲಿ

ಕೂಡ ವಾದಾಂಶಗಳ ಒಂದರಲ್ಲಿ ಚರ್ಚಿಸಿದ ವಿಷಯಗಳನ್ನು ಅಲ್ಲಗೆಳೆದಿರುವುದಿಲ್ಲ. ಮಾತ್ರವಲ್ಲದೆ ತಾವು ಸರ್ಕಾರಕ್ಕೆ ನೀಡಿದ ಬೆಂಬಲವನ್ನು ಹಿಂತೆಗೆದುಕೊಂಡಿವುದು ತದನಂತರ ಮತ್ತೊಂದು ಪಕ್ಷದ ನಾಯಕರು ಹಾಗೂ ಶಾಸಕರೊಂದಿಗೆ ಗುರುತಿಸಿಕೊಂಡಿರುವುದು ಹಾಗೂ ಸರ್ಕಾರಕ್ಕೆ ನೀಡಿರುವ ಬೆಂಬಲವನ್ನು ವಾಪಸ್ಸು ಪಡೆದಿರುವುದು ಸಮರ್ಥನೀಯವೆಂದು ಪುನರುಚ್ಚರಿಸಿರುವುದನ್ನು ಗಮನಿಸಲಾಗಿದೆ. ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯದ ತೀರ್ಪಿನಲ್ಲಿಯೂ ಕೂಡ ನಿಯಮಗಳು ಕಡ್ಡಾಯವಾಗಿರುವುದಿಲ್ಲ ಮತ್ತು ಕೇವಲ ಅನುಕೂಲಕ್ಕೆ ಮಾತ್ರ ನಿಯಮಾವಳಿಗಳನ್ನು ಪಾಲಿಸುವುದು ಎಂದಿರುವುದು ಸ್ಪಷ್ಟವಾಗಿದೆ. ಹಾಗೂ 10ನೇ ಅನುಬಂಧದ ಅನರ್ಹತೆಯಿಂದ ಈ ನೆಪವೊಡ್ಡಿ ತಪ್ಪಿಸಿಕೊಳ್ಳಲು ಸಾಧ್ಯವಿಲ್ಲವೆಂದು ಸ್ಪಷ್ಟಪಡಿಸಿರುವುದನ್ನು ಗಮನಿಸಲಾಗಿದೆ. ಸದರಿ ಅಂಶಗಳು ಪ್ರಕರಣಕ್ಕೆ ನೇರವಾಗಿ ಅನ್ವಯವಾಗುತ್ತದೆ. ಪ್ರತಿವಾದಿಗಳು ಹಾಜರಾಗಿ ಅವರ ವಾದ, ಆಕ್ಷೇಪಣೆಯನ್ನು ಸಲ್ಲಿಸಿ ವಿವರವಾದ ವಾದವನ್ನು ಮಂಡಿಸಿರುವುದರಿಂದ ಕೂಡ ಕೇವಲ 7 ದಿನದ ಕಾಲಾವಕಾಶ ನೀಡಿರುವುದಿಲ್ಲ ಎನ್ನುವುದು ಕೇವಲ ತಾಂತ್ರಿಕ ವಿಷಯವಾಗಿದ್ದು, ಇದನ್ನು ಒಪ್ಪಲು ಸಾಧ್ಯವಿರುವುದಿಲ್ಲ. ಈ ಪ್ರಕರಣದಲ್ಲಿ ಇತ್ತಂಡಗಳು ಒಪ್ಪಿಕೊಂಡ ಅಂಶಗಳು ಹಾಗೂ ಅಲ್ಲಗೆಳೆಯಲಾಗದ ಅಂಶಗಳನ್ನು ಪರಿಗಣಿಸಿದಾಗ ಇವರ 2ನೇ ಅಂಶದ ಆಕ್ಷೇಪಣೆ ಒಪ್ಪತಕ್ಕದ್ದಲ್ಲ. ಈ ಮೇಲಿನ ಕಾರಣಗಳಿಂದಾಗಿ 2ನೇ ಅಂಶವನ್ನು ನಕಾರಾತ್ಮಕವಾಗಿ ಉತ್ತರಿಸಲಾಗಿದೆ.

ಈ ಮೇಲಿನ ಕಾರಣಗಳಿಂದಾಗಿ ಈ ಕೆಳಕಂಡಂತೆ ಆದೇಶವನ್ನು ಮಾಡುತ್ತಿದ್ದೇನೆ.

1. ಪ್ರತಿವಾದಿಗಳಾದ

2. ಶ್ರೀ ಗೋಪಾಲ ಕೃಷ್ಣ ಬೇಳೂರು, ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ಸಾಗರ ಕ್ಷೇತ್ರ,
3. ಶ್ರೀ ಆನಂದ ಆಸ್ನೋಟಿಕರ್, ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ಕಾರವಾರ ಕ್ಷೇತ್ರ,
4. ಶ್ರೀ ಬಾಲಚಂದ್ರ ಜಾರಕಿಹೊಳಿ, ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ಅರಭಾವಿ ಕ್ಷೇತ್ರ,
5. ಡಾ॥ ಬಗಲಿ ಸಾರ್ವಭೌಮ ಎನ್. ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ಇಂಡಿ ಕ್ಷೇತ್ರ,
6. ಶ್ರೀ ಭರಮಗೌಡ ಹೆಚ್. ಕಾಗೆ, ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ಕಾಗವಾಡ ಕ್ಷೇತ್ರ,
7. ಶ್ರೀ ವೈ. ಸಂಪಂಗಿ, ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ಕೆ.ಜಿ.ಎಫ್ ಕ್ಷೇತ್ರ,
8. ಶ್ರೀ ನಂಜುಂಡಸ್ವಾಮಿ ಜಿ.ಎನ್. ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ಕೊಳ್ಳೇಗಾಲ ಕ್ಷೇತ್ರ,
9. ಶ್ರೀ ಎಂ.ವಿ. ನಾಗರಾಜು, ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ನೆಲಮಂಗಲ ಕ್ಷೇತ್ರ,
10. ಶ್ರೀ ಬೆಳ್ಳುಬ್ಬಿ ಸಂಗಪ್ಪ ಕಾಳಪ್ಪ, ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ಬಸವನ ಬಾಗೇವಾಡಿ ಕ್ಷೇತ್ರ,
11. ಶ್ರೀ ಶಿವನಗೌಡ ನಾಯಕ್, ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ದೇವದುರ್ಗ ಕ್ಷೇತ್ರ,
13. ಶ್ರೀ ಹೆಚ್.ಎಸ್. ಶಂಕರಲಿಂಗೇಗೌಡ, ವಿಧಾನಸಭಾ ಸದಸ್ಯರು, ಚಾಮರಾಜ ಕ್ಷೇತ್ರ,

ಇವರು ಭಾರತ ಸಂವಿಧಾನದ 10ನೇ ಅನುಬಂಧದ 2(1)(ಎ) ಪ್ರಕಾರ ವಿಧಾನಸಭಾ ಸದಸ್ಯತ್ವದಿಂದ ತಕ್ಷಣದಿಂದ ಅನರ್ಹಗೊಂಡಿರುತ್ತಾರೆಂದು ಘೋಷಿಸುತ್ತಿದ್ದೇನೆ.

2. ಈ ಘೋಷಣೆಯ ಕಾರಣದಿಂದಾಗಿ 13ನೇ ವಿಧಾನಸಭೆಯಲ್ಲಿ ಮೇಲಿನ ಪ್ರತಿವಾದಿಗಳು ಪ್ರತಿನಿಧಿಸುತ್ತಿರುವ ಕ್ಷೇತ್ರಗಳು ತಕ್ಷಣದಿಂದ ಜಾರಿಗೆ ಬರುವಂತೆ ತೆರವಾಗಿರುತ್ತವೆ. ಮುಂದಿನ ಕ್ರಮವನ್ನು ಕರ್ನಾಟಕ ವಿಧಾನಸಭೆ (ಪಕ್ಷಾಂತರದ ಮೇರೆಗೆ ಸದಸ್ಯರ ಅನರ್ಹತೆ) ನಿಯಮಾವಳಿಗಳು, 1986 ರಂತೆ ಜರುಗಿಸಲು ಆದೇಶಿಸಲಾಗಿದೆ.

3. ಪ್ರತಿವಾದಿ 1 ಶ್ರೀ ಎಂ.ಪಿ.ರೇಣುಕಾಚಾರ್ಯ ಮತ್ತು 12ರ ನರಸಿಂಹ ನಾಯಕ್ (ರಾಜು ಗೌಡ) ಅವರ ಅನರ್ಹತೆ ಕೋರಿ ಸಲ್ಲಿಸಲಾದ ಮನವಿಯನ್ನು ವಜಾಮಾಡಲಾಗಿದೆ.

ಕೆ.ಜಿ.ಬೋಪಯ್ಯ
ಸಭಾಧ್ಯಕ್ಷರು,

ದಿನಾಂಕ: 10–10–2010.

ವಿಶೇಷ ಪತ್ರಿಕೆ

ಭಾಗ – *IV-A*	ಬೆಂಗಳೂರು, ಸೋಮವಾರ, ಅಕ್ಟೋಬರ್ ೧೧, ೨೦೧೦ (ಆಶ್ವಯುಜ ೧೯, ಶಕ ವರ್ಷ ೧೯೩೨)	ನಂ. ೧೦೪೯

ಕರ್ನಾಟಕ ವಿಧಾನ ಸಭೆ
ಹದಿಮೂರನೇ ವಿಧಾನ ಸಭೆ
ಲಘು ಪ್ರಕಟಣೆ ಭಾಗ – 2
(ಸಾಂಸದಿಕ ಹಾಗೂ ಇತರೆ ವಿಷಯಗಳಿಗೆ ಸಂಬಂಧಿಸಿದ ಸಾಮಾನ್ಯ ಮಾಹಿತಿ)
ಭಾನುವಾರ, ದಿನಾಂಕ 10ನೇ ಅಕ್ಟೋಬರ್, 2010

ಸಂಖ್ಯೆ: 60

ಅನರ್ಹತೆ ಅರ್ಜಿ ಸಂಖ್ಯೆ 2/2010

1) ಶ್ರೀ ಡಿ.ಎನ್.ಜೀವರಾಜ್,
ಶಾಸಕರು, ಕರ್ನಾಟಕ ವಿಧಾನ ಸಭೆ ಹಾಗೂ
ಸರ್ಕಾರಿ ಮುಖ್ಯ ಸಚೇತಕರು, ಭಾರತೀಯ ಜನತಾ ಪಕ್ಷ,
ಬೆಂಗಳೂರು.

2) **ಶ್ರೀ ಸಿ.ಟಿ.ರವಿ,**
ಶಾಸಕರು, ಕರ್ನಾಟಕ ವಿಧಾನ ಸಭೆ ಹಾಗೂ
ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿ, ಭಾರತೀಯ ಜನತಾ ಪಕ್ಷ,
ಬೆಂಗಳೂರು. . . . **ಅರ್ಜಿದಾರರು**

ವಿರುದ್ಧ

1) **ಶ್ರೀ ಶಿವರಾಜ ತಂಗಡಗಿ,**
ಶಾಸಕರು, ಕರ್ನಾಟಕ ವಿಧಾನ ಸಭೆ,
ಕನಕಗಿರಿ ಕ್ಷೇತ್ರ.

2) **ಶ್ರೀ ಡಿ.ಸುಧಾಕರ್,**
ಶಾಸಕರು, ಕರ್ನಾಟಕ ವಿಧಾನ ಸಭೆ,
ಹಿರಿಯೂರು ಕ್ಷೇತ್ರ, ಚಿತ್ರದುರ್ಗ ಜಿಲ್ಲೆ.

3) **ಶ್ರೀ ಗೂಳಿಹಟ್ಟಿ ಡಿ.ಶೇಖರ್,**
ಶಾಸಕರು, ಕರ್ನಾಟಕ ವಿಧಾನ ಸಭೆ,
ಹೊಸದುರ್ಗ ಕ್ಷೇತ್ರ.

4) **ಶ್ರೀ ವೆಂಕಟರಮಣಪ್ಪ,**
ಶಾಸಕರು, ಕರ್ನಾಟಕ ವಿಧಾನ ಸಭೆ,
ಪಾವಗಡ ಕ್ಷೇತ್ರ, ತುಮಕೂರು ಜಿಲ್ಲೆ.

5) **ಶ್ರೀ ಪಿ.ಎಂ.ನರೇಂದ್ರಸ್ವಾಮಿ,**
ಶಾಸಕರು, ಕರ್ನಾಟಕ ವಿಧಾನ ಸಭೆ,
ಮಳವಳ್ಳಿ ಕ್ಷೇತ್ರ, ಮಂಡ್ಯ ಜಿಲ್ಲೆ. . . . **ಪ್ರತಿವಾದಿಗಳು**

ಅನರ್ಹತೆ ಅರ್ಜಿ ಸಂಖ್ಯೆ 3/2010

1) **ಶ್ರೀ ಯಮನಪ್ಪ.ಇ,** 52 ವರ್ಷ, ಬಿನ್ ನಾಗೇಂದ್ರಪ್ಪ, ಗುಂಡೂರು,
ಗಂಗಾವತಿ ತಾಲ್ಲೂಕು, ಕೊಪ್ಪಳ ಜಿಲ್ಲೆ. . . . **ಅರ್ಜಿದಾರರು**

ವಿರುದ್ಧ

ಶ್ರೀ ಶಿವರಾಜ್.ಎಸ್.ತಂಗಡಗಿ, 38 ವರ್ಷ, ಬಿನ್ ಸಂಗಪ್ಪ, ವಿಧಾನ ಸಭಾ ಸದಸ್ಯರು,
ಕನಕಗಿರಿ ಕ್ಷೇತ್ರ, ಕೊಪ್ಪಳ ಜಿಲ್ಲೆ. ಸ್ಯಾಂಕಿ ರಸ್ತೆ, ಬೆಂಗಳೂರು. . . . **ಪ್ರತಿವಾದಿಗಳು**

ಅನರ್ಹತೆ ಅರ್ಜಿ ಸಂಖ್ಯೆ 4/2010

1) **ಶ್ರೀ ಎಸ್.ಎಂ.ಬಸವರಾಜ,** 42 ವರ್ಷ, ಬಿನ್ ಮುದಿಯಪ್ಪ, ಕಲ್ಲಹಟ್ಟಿ ಗ್ರಾಮ,
ಹಿರಿಯೂರು ತಾಲ್ಲೂಕು, ಚಿತ್ರದುರ್ಗ ಜಿಲ್ಲೆ. . . . **ಅರ್ಜಿದಾರರು**

ವಿರುದ್ಧ

ಶ್ರೀ ಡಿ.ಸುಧಾಕರ, 50 ವರ್ಷ, ಬಿನ್ ದಶರಥಯ್ಯ, ವಿಧಾನ ಸಭಾ ಸದಸ್ಯರು,
ಹಿರಿಯೂರು ಕ್ಷೇತ್ರ, ಚಳ್ಳಕೆರೆ ಪಟ್ಟಣ, ಚಿತ್ರದುರ್ಗ ಜಿಲ್ಲೆ. ಸಪ್ತಮಂತ್ರಿಗಳ ನಿವಾಸ,
ಸ್ಯಾಂಕಿ ರಸ್ತೆ, ಬೆಂಗಳೂರು. . . . **ಪ್ರತಿವಾದಿಗಳು**

ಅನರ್ಹತೆ ಅರ್ಜಿ ಸಂಖ್ಯೆ 5/2010

ಶ್ರೀ ಟಿ.ಟಿ.ನಾಗರಾಜ್, ಬಿನ್ ತಿಮ್ಮಣ್ಣ, 42 ವರ್ಷ, ಬನಶಂಕರಿ ರಸ್ತೆ, ಕೋಟೆ,
ಹೊಸದುರ್ಗ, ಚಿತ್ರದುರ್ಗ ಜಿಲ್ಲೆ. . . . **ಅರ್ಜಿದಾರರು**

ವಿರುದ್ಧ

ಶ್ರೀ ಗೂಳಿಹಟ್ಟಿ ಶೇಖರ್, ಬಿನ್ ದಿವಾಕರಪ್ಪ, ವಿಧಾನ ಸಭಾ ಸದಸ್ಯರು,
ಹೊಸದುರ್ಗ ಕ್ಷೇತ್ರ, ಜಯಮಹಲ್ ರಸ್ತೆ, ಬೆಂಗಳೂರು. . . . **ಪ್ರತಿವಾದಿಗಳು**

ಅನರ್ಹತೆ ಅರ್ಜಿ ಸಂಖ್ಯೆ 6/2010

1) ಶ್ರೀ ಕೃಷ್ಣನಾಯಕ್, 39 ವರ್ಷ, ಬಿನ್ ಫಕೀರ್‌ನಾಯಕ್, ಹೊಸಹಳ್ಳಿ ತಾಂಡಾ,
ಪಾವಗಡ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ. . . . **ಅರ್ಜಿದಾರರು**

ವಿರುದ್ಧ

ಶ್ರೀ ವೆಂಕಟರಮಣಪ್ಪ, 65 ವರ್ಷ, ಬಿನ್ ವೆಂಕಟಪ್ಪ, ವಿಧಾನ ಸಭಾ ಸದಸ್ಯರು,
ಪಾವಗಡ ಕ್ಷೇತ್ರ, ತುಮಕೂರು ಜಿಲ್ಲೆ. ಸಪ್ತಮಂತ್ರಿಗಳ ನಿವಾಸ, ಸ್ಯಾಂಕಿ ರಸ್ತೆ, ಬೆಂಗಳೂರು. . . . **ಪ್ರತಿವಾದಿಗಳು**

ಅನರ್ಹತೆ ಅರ್ಜಿ ಸಂಖ್ಯೆ 7/2010

1) ಶ್ರೀ ಕೆ.ಎಲ್.ಚೆನ್ನೇಗೌಡ, 52 ವರ್ಷ, ಬಿನ್ ಲಿಂಗಯ್ಯ, ಕ್ಯಾತೇಗೌಡನ ದೊಡ್ಡಿ, ಕಸಬಾ ಹೋಬಳಿ, ಮಳವಳ್ಳಿ ತಾಲ್ಲೂಕು,
ಮಂಡ್ಯ ಜಿಲ್ಲೆ. . . . **ಅರ್ಜಿದಾರರು**

ವಿರುದ್ಧ

ಶ್ರೀ ಪಿ.ಎಂ. ನರೇಂದ್ರಸ್ವಾಮಿ, 50 ವರ್ಷ, ಬಿನ್ ಮಲ್ಲಣ್ಣ, ವಿಧಾನ ಸಭಾ ಸದಸ್ಯರು,
ಪೂರಿಗಾಲಿ, ಬಿಜಿಪುರ ಹೋಬಳಿ, ಮಳವಳ್ಳಿ ತಾಲ್ಲೂಕು, ಮಂಡ್ಯ ಜಿಲ್ಲೆ.

. . . **ಪ್ರತಿವಾದಿಗಳು**

ಪ್ರಥಮ ಅರ್ಜಿ ಸಂಖ್ಯೆ: 2 / 2010ರ

ಅರ್ಜಿದಾರರು ಭಾರತ ಸಂವಿಧಾನದ ಅನುಬಂಧ 10ರ ಕಂಡಿಕೆ 2(2)ರ ಅಡಿಯಲ್ಲಿ ಅರ್ಜಿಯಲ್ಲಿ ತಿಳಿಸಿದ ಕಾರಣಗಳಿಗಾಗಿ ಪ್ರತಿವಾದಿಗಳನ್ನು ವಿಧಾನ ಸಭಾ ಸದಸ್ಯತದಿಂದ ಅನರ್ಹರಾಗಿದ್ದಾರೆಂದು ಘೋಷಿಸಬೇಕೆಂದು ಕೋರಿ ದಿನಾಂಕ: 7.10.2010ರಂದು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಈ ಅರ್ಜಿಯನ್ನು ಸ್ವೀಕರಿಸಿದ ತರುವಾಯ ಪ್ರತಿವಾದಿಗಳಿಗೆ ನೋಟೀಸ್‌ನ್ನು ಜಾರಿ ಮಾಡಿ ದಿನಾಂಕ: 10.10.2010ರಂದು ಸಂಜೆ 5.00 ಗಂಟೆಯೊಳಗಾಗಿ ತಮ್ಮ ಆಕ್ಷೇಪಣೆಯನ್ನು ಸಲ್ಲಿಸಲು ಸೂಚಿಸಲಾಗಿತ್ತು.

ಈ ಮಧ್ಯೆ ದಿನಾಂಕ: 9.10.2010ರಂದು ಪ್ರತಿವಾದಿಗಳು ನ್ಯಾಯವಾದಿಗಳ ಮುಖಾಂತರ ತಮ್ಮ ಪ್ರತ್ಯುತ್ತರವನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ ಹಾಗೂ ಸಮಯಾವಕಾಶ ಕೋರಿರುತ್ತಾರೆ. ಇದನ್ನು ಪರಿಗಣಿಸಿ ವಿಚಾರಣೆಯನ್ನು ಇಂದು ದಿನಾಂಕ: 10.10.2010ರಂದು ಮಧ್ಯಾಹ್ನ 3.30 ಗಂಟೆಗೆ ನಿಗದಿಗೊಳಿಸಲಾಗಿರುತ್ತದೆ. ಅದರಂತೆ ಈ ವಿಚಾರಣೆಯ ಬಗ್ಗೆ ಅರ್ಜಿದಾರರಿಗೂ ಕೂಡ ಆಕ್ಷೇಪಣೆಗಳೇನಾದರೂ ಇದಲ್ಲಿ ಸಲ್ಲಿಸುವಂತೆ ಆದೇಶಿಸಲಾಗಿತ್ತು. ಅರ್ಜಿ ಹಾಗೂ ದಾಖಲಾತಿಯ ಪ್ರತಿಗಳನ್ನು ಪ್ರತಿವಾದಿಗಳ ವಕೀಲರು ಸ್ವೀಕರಿಸಿರುತ್ತಾರೆ. ತದನಂತರ, ಇಂದು ಮಧ್ಯಾಹ್ನ 3.30 ಗಂಟೆಗೆ ಪ್ರಕರಣವನ್ನು ವಿಚಾರಣೆಗೆ ತೆಗೆದುಕೊಳ್ಳಲಾಗಿದ್ದು, ಇತ್ತಂಡಗಳ ವಕೀಲರು ಹಾಜರಾಗಿರುತ್ತಾರೆ.

ಈ ಮಧ್ಯೆ ಪ್ರತಿಯೊಬ್ಬ ಪ್ರತಿವಾದಿಯ ಮತಕ್ಷೇತ್ರದ ಮತದಾರ ಪ್ರತ್ಯೇಕ ಕ್ರಮ ಸಂಖ್ಯೆ 3 ರಿಂದ 7ರವರೆಗಿನ ಅರ್ಜಿಗಳನ್ನು ಸಂಬಂಧಪಟ್ಟ ಮತಕ್ಷೇತ್ರದ ಶಾಸಕರ ವಿರುದ್ಧ ಕರ್ನಾಟಕ ಶಾಸಕಾಂಗ ಪಕ್ಷದ ಸದಸ್ಯತ್ವ ಅನರ್ಹತೆ ನಿಯಮ 1986 ನಿಯಮ 6ರನ್ವಯ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ಈ ದಿನ ಪ್ರಕರಣವನ್ನು ವಿಚಾರಣೆಗೆ ಕೈಗೆತ್ತಿಕೊಂಡಾಗ ಎಲ್ಲಾ ಅರ್ಜಿಗಳಲ್ಲೂ ಅಡಗಿರುವ ವಿವಾದಾಂಶಗಳು ಒಂದೇ ಆಗಿದ್ದು ಎಲ್ಲಾ ಅರ್ಜಿಗಳನ್ನು ಇತ್ತಂಡಗಳ ಸಮ್ಮತಿಯ ಮೇರೆಗೆ ಒಟ್ಟಾಗಿ ವಿಚಾರಣೆಗೆ ಕೈಗೆತ್ತಿಕೊಳ್ಳಲಾಗಿರುತ್ತದೆ.

ಒಂದನೇ ಅರ್ಜಿಯಲ್ಲಿ ಸಲ್ಲಿಸಿರುವ ಅರ್ಜಿಯ ವಿಚಾರಗಳು ಈ ರೀತಿ ಇವೆ. ಒಂದನೇ ಅರ್ಜಿಯ ಮೊದಲನೇ ಅರ್ಜಿದಾರರು ಭಾರತೀಯ ಜನತಾ ಪಕ್ಷದ ಅಧಿಕೃತ ಅಭ್ಯರ್ಥಿಯಾಗಿ ಶೃಂಗೇರಿ ಕ್ಷೇತ್ರದಿಂದ ಆಯ್ಕೆಯಾಗಿ, ತದನಂತರ ವಿಧಾನ ಸಭೆಯಲ್ಲಿ ಭಾರತೀಯ ಜನತಾ ಪಕ್ಷದ ಮುಖ್ಯ ಸಚೇತಕರಾಗಿ ನೇಮಕಗೊಂಡಿರುತ್ತಾರೆ. ಎರಡನೇ ಅರ್ಜಿದಾರರು ಕೂಡ ಭಾರತೀಯ ಜನತಾ ಪಕ್ಷದ ಅಧಿಕೃತ ಅಭ್ಯರ್ಥಿಯಾಗಿ ಶಾಸಕನಾಗಿ ಆಯ್ಕೆಯಾಗಿದ್ದು, ಭಾರತೀಯ ಜನತಾ ಪಕ್ಷದ ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿಯೂ ಆಗಿರುತ್ತಾರೆ.

ಪ್ರತಿವಾದಿಗಳು ಕ್ರಮವಾಗಿ ಕನಕಗಿರಿ, ಹಿರಿಯೂರು, ಹೊಸದುರ್ಗ, ಪಾವಗಡ ಮತ್ತು ಮಳವಳ್ಳಿ ವಿಧಾನ ಸಭಾ ಕ್ಷೇತ್ರಗಳಿಂದ ಪಕ್ಷೇತರ ಅಭ್ಯರ್ಥಿಯಾಗಿ 13ನೇ ವಿಧಾನ ಸಭೆಗೆ ಆಯ್ಕೆಯಾಗಿರುತ್ತಾರೆ.

ಭಾರತೀಯ ಜನತಾ ಪಕ್ಷದ ಶಾಸಕಾಂಗ ಪಕ್ಷದ ನಾಯಕರಾಗಿ ಶ್ರೀ ಬಿ.ಎಸ್.ಯಡಿಯೂರಪ್ಪನವರು ಆಯ್ಕೆಯಾದ ನಂತರ ಅವರ ನೇತೃತ್ವದಲ್ಲಿ ಸರ್ಕಾರವು ರಚನೆಗೊಂಡಿದ್ದು ಶ್ರೀ ಬಿ.ಎಸ್.ಯಡಿಯೂರಪ್ಪರವರು ಮುಖ್ಯಮಂತ್ರಿಯಾಗಿ ಆಯ್ಕೆಯಾಗಿರುತ್ತಾರೆ. ಪ್ರತಿವಾದಿಗಳು ಪಕ್ಷೇತರರಾಗಿ ಆಯ್ಕೆಯಾಗಿದ್ದು ಈ ಸರ್ಕಾರ ರಚನೆಯಾದ ಸಂದರ್ಭದಲ್ಲಿ ಭಾರತೀಯ ಜನತಾ ಪಕ್ಷದ ಸರ್ಕಾರಕ್ಕೆ ಬೆಂಬಲವನ್ನು ಘೋಷಿಸಿದ್ದು ಭಾರತೀಯ ಜನತಾ ಪಕ್ಷದ ಸದಸ್ಯರಾಗಿರುತ್ತಾರೆ. ಆ ನಂತರ ಪ್ರತಿವಾದಿಗಳು ಮಂತ್ರಿಗಳಾಗಿ ಪ್ರಮಾಣವಚನ ಸ್ವೀಕರಿಸಿರುತ್ತಾರೆ.

ಪ್ರತಿವಾದಿಗಳು ಭಾರತೀಯ ಜನತಾ ಪಕ್ಷದ ಸದಸ್ಯರಾದ ನಂತರ ಪಕ್ಷದ ಕಾರ್ಯಕ್ರಮಗಳಲ್ಲಿ ಸಕ್ರೀಯವಾಗಿ ಭಾಗವಹಿಸಿದ್ದು, ಪಕ್ಷದ ಧ್ವಜ ಹಾಗೂ ಚಿಹ್ನೆಯಡಿಯಲ್ಲಿ ನಡೆಯುವ ಸಭೆ ಸಮಾರಂಭಗಳಿಗೆ ಹಾಜರಾಗಿ ಸದರಿ ಕಾರ್ಯಕ್ರಮಗಳಲ್ಲಿ ಸಕ್ರೀಯವಾಗಿ ಭಾಗವಹಿಸಿ ಆ ಪಕ್ಷದ ಸದಸ್ಯರೆಂದು ಗುರುತಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

ಪ್ರತಿವಾದಿಗಳು ಭಾರತೀಯ ಜನತಾ ಪಕ್ಷದ ಶಾಸಕಾಂಗ ಪಕ್ಷದ ಎಲ್ಲಾ ಸಭೆಗಳಲ್ಲಿ ಭಾಗವಹಿಸಿ ಅಲ್ಲಿನ ದಾಖಲಾತಿಗಳಲ್ಲಿ ತಮ್ಮ ರುಜುವನ್ನು ದಾಖಲಿಸಿರುತ್ತಾರೆ. ಇದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ದಾಖಲಾತಿಗಳನ್ನು ಅರ್ಜಿದಾರರು ಅರ್ಜಿಯೊಂದಿಗೆ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಅಷ್ಟು ಮಾತ್ರವಲ್ಲದೇ ಇವರುಗಳು ಭಾರತೀಯ ಜನತಾ ಪಕ್ಷದ ಅಧಿಕೃತ ಅಭ್ಯರ್ಥಿಯಂತೆ ಭಾರತೀಯ ಜನತಾ ಪಕ್ಷದ ಸಾರ್ವಜನಿಕ ಕಾರ್ಯಕ್ರಮಗಳಲ್ಲಿ ಭಾಗವಹಿಸಿರುವುದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಪತ್ರಿಕೆಗಳಲ್ಲಿ ಪ್ರಕಟವಾಗಿರುವ ಪತ್ರಿಕಾ ವರದಿಗಳನ್ನು ಹಾಜರುಪಡಿಸಿರುತ್ತಾರೆ. ಇದಲ್ಲದೇ ಅನೇಕ ಸಂದರ್ಭಗಳಲ್ಲಿ ಭಾರತೀಯ ಜನತಾ ಪಕ್ಷವು ಅವರಿಗೆ ವಿಪ್‌ನ್ನು ನೀಡಿದ್ದು ಅದನ್ನು ಸ್ವೀಕರಿಸಿ ಆ ವಿಪ್‌ನಂತೆ ನಡೆದುಕೊಂಡಿರುತ್ತಾರೆ. ಇದರಿಂದ ಅವರುಗಳು ಪಕ್ಷೇತರರಾಗಿ ಉಳಿಯದೇ ಇನ್ನೊಂದು ರಾಜಕೀಯ ಪಕ್ಷದ ಸದಸ್ಯರಾಗಿರುತ್ತಾರೆಂದು ಅರ್ಜಿದಾರರು ತಿಳಿಸಿರುತ್ತಾರೆ. ಇದಕ್ಕೆ ಪೂರಕವಾಗಿ ವಿಪ್‌ನ ಪ್ರತಿಗಳನ್ನು ಹಾಗೂ ಸ್ವೀಕೃತಿಯನ್ನು ಹಾಜರುಪಡಿಸಿರುತ್ತಾರೆ.

ಪ್ರತಿವಾದಿಗಳು ಪಕ್ಷೇತರರಾಗಿ ಆಯ್ಕೆಯಾಗಿ ತಮ್ಮ ನಡತೆಯಿಂದ ಪಕ್ಷೇತರ ಸ್ಥಾನವನ್ನು ಬಿಟ್ಟು ಇನ್ನೊಂದು ರಾಜಕೀಯ ಪಕ್ಷವನ್ನು ಸೇರಿರುವುದರಿಂದ ಅವರುಗಳು ಭಾರತೀಯ ಸಂವಿಧಾನದ 10ನೇ ಅನುಬಂಧದ ಕಂಡಿಕೆ 2(2)ರನ್ವಯ ಅನರ್ಹತೆಗೆ ಒಳಗಾಗಿರುತ್ತಾರೆಂದು ಹೇಳಿ ಅವರುಗಳನ್ನು ಅನರ್ಹಗೊಳಿಸಬೇಕೆಂದು ಪ್ರಾರ್ಥಿಸಿ ಅರ್ಜಿದಾರರು ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಆದುದರಿಂದ ಮೇಲಿನ ಅನುಬಂಧದನ್ವಯ ಅನರ್ಹಗೊಳಿಸಬೇಕೆಂದು ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದಾರೆ.

ಅರ್ಜಿ ಸಂಖ್ಯೆ 2 ರಿಂದ 6ರ ತನಕ ಇರುವ ಅರ್ಜಿಗಳಲ್ಲಿ ಅರ್ಜಿದಾರರು ಕ್ರಮವಾಗಿ ಪ್ರತಿವಾದಿಗಳ ಮತಕ್ಷೇತ್ರದ ಮತದಾರರಾಗಿದ್ದು, ಪ್ರತಿವಾದಿಗಳನ್ನು ಪಕ್ಷೇತರರೆಂದು ಗುರುತಿಸಿ ಅವರಿಗೆ ಮತಗಳನ್ನು ನೀಡಲಾಗಿದ್ದು, ಆದರೆ ಅವರುಗಳು ನಂತರದ ದಿನಗಳಲ್ಲಿ ಪಕ್ಷೇತರರಾಗಿ ಗುರುತಿಸಿಕೊಳ್ಳದೇ ಭಾರತೀಯ ಜನತಾ ಪಕ್ಷದೊಂದಿಗೆ ಸೇರಿಕೊಂಡಿರುತ್ತಾರೆ.

ಪ್ರತಿವಾದಿಗಳೆಲ್ಲರೂ ಇಂದು ತಮ್ಮ ವಿವರವಾದ ಆಕ್ಷೇಪಣೆಗಳನ್ನು ಸಲ್ಲಿಸಿ ಅವರ ಅನರ್ಹತೆಯನ್ನು ಅಲ್ಲಗಳೆದಿರುತ್ತಾರೆ. ತಮ್ಮ ಆಕ್ಷೇಪಣಾ ಅರ್ಜಿಯಲ್ಲಿ ತಾವು ಸರ್ಕಾರಕ್ಕೆ ನೀಡಿದ ಬೆಂಬಲ ಪತ್ರವನ್ನು ಹಿಂತೆಗೆದುಕೊಂಡಿದ್ದು ಆ ಕಾರಣಕ್ಕೆ, ದುರುದ್ದೇಶದಿಂದ ಈ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಲಾಗಿದೆಯೆಂದು ಹೇಳಿದ್ದು, ಕರ್ನಾಟಕ ಶಾಸಕಾಂಗ ಪಕ್ಷದ ಸದಸ್ಯತ್ವ ಅನರ್ಹತೆ ನಿಯಮ 1986 ನಿಯಮ 3(1) (ಎ) ಮತ್ತು 4ನ್ನು ಆಧಾರವಾಗಿಟ್ಟುಕೊಂಡು ತಮ್ಮ ನಡತೆಯಿಂದ ಅನರ್ಹತೆಯಾಗುವುದಿಲ್ಲವೆಂದು ತಿಳಿಸಿರುತ್ತಾರೆ. ಇದಲ್ಲದೇ ಪ್ರತಿವಾದಿಗಳು ತಾವು ಭಾರತೀಯ ಜನತಾ ಪಕ್ಷವನ್ನು ಸೇರಿರುವುದಾಗಿ ಮಾಡಿರುವ ಆಪಾದನೆಯನ್ನು ಅಲ್ಲಗಳೆದಿರುತ್ತಾರೆ. ಅರ್ಜಿದಾರರು ಮತದಾರರಾಗಿದ್ದು, ಅವರ ಈ ಅರ್ಜಿಯು ಸಿಂಧುವಲ್ಲವೆಂದು ವಾದಿಸಿರುತ್ತಾರೆ.

ಅರ್ಜಿ ಹಾಗೂ ಅರ್ಜಿದಾರರು ಸಲ್ಲಿಸಿರುವ ದಾಖಲಾತಿಗಳು ಹಾಗೂ ಪ್ರತಿವಾದಿಗಳ ಹೇಳಿಕೆಗಳನ್ನು ಪರಿಶೀಲಿಸಿರುತ್ತೇನೆ. ಈ ದಿನ ಇತ್ತಂಡಗಳ ವಾದಗಳನ್ನು ವಿವರವಾಗಿ ಆಲಿಸಿರುತ್ತೇನೆ. ಅರ್ಜಿದಾರರು ಹಾಗೂ ಪ್ರತಿವಾದಿಗಳು ಸಲ್ಲಿಸಿರುವ ಅರ್ಜಿ ಹಾಗೂ ಆಕ್ಷೇಪಣೆಗಳನ್ನು ಪರಿಗಣಿಸಿರುತ್ತೇನೆ. ಈ ಎಲ್ಲಾ ಅಂಶಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಈ ಕೆಳಗಿನ ಅಂಶಗಳು ಈ ಪ್ರಕರಣದಲ್ಲಿ ಪರಿಗಣನೆಗೆ ಉದ್ಭವವಾಗುತ್ತವೆ:–

1) ಪ್ರತಿವಾದಿಗಳು ಪಕ್ಷೇತರರಾಗಿ ಆಯ್ಕೆಯಾದ ನಂತರ ಭಾರತೀಯ ಜನತಾ ಪಕ್ಷವನ್ನು ನಂತರ ಸೇರಿರುತ್ತಾರೆಯೇ ಹಾಗೂ ಸಂವಿಧಾನ ಅನುಬಂಧ 10ರ ಕಂಡಿಕೆ 2(2) ರ ಅನ್ವಯ ಅನರ್ಹಗೊಂಡಿರುತ್ತಾರೆಯೇ?

2) ಪ್ರತಿವಾದಿಗಳು ಆಕ್ಷೇಪಿಸಿದಂತೆ ನೋಟೀಸ್‌ಗೆ ಉತ್ತರ ನೀಡಲು 7 ದಿನಗಳ ಕಾಲಾವಕಾಶ ನೀಡುವುದು ಕಡ್ಡಾಯವೇ?

3) ಅರ್ಜಿ ಸಂಖ್ಯೆ 2 ರಿಂದ 6ರವರೆಗಿನ ಅರ್ಜಿಗಳು ಮತದಾರರಿಂದ ಸ್ವೀಕರಿಸಲಾಗಿದ್ದು ಅರ್ಜಿಗಳು ಪರಿಗಣನಾರ್ಹವೇ?

ವಿವಾದಾಂಶ – 1:

ಅರ್ಜಿದಾರರುಗಳು ತಮ್ಮ ಅರ್ಜಿಯಲ್ಲಿ ತಿಳಿಸಿರುವ ಹಾಗೂ ಅರ್ಜಿದಾರರು ಅರ್ಜಿಯೊಂದಿಗೆ ಸಲ್ಲಿಸಿರುವ ದಾಖಲೆಗಳಿಂದ ಮತ್ತು ಪ್ರತಿವಾದಿಗಳ ಆಕ್ಷೇಪಣೆಗಳಲ್ಲಿ ಹೇಳಿರುವ ಅಂಶಗಳಿಂದ ಈ ಕೆಳಗಿನ ವಾಸ್ತವಿಕ ವಿಚಾರದ ಬಗ್ಗೆ ಯಾವುದೇ ತಕರಾರು ಇರುವುದಿಲ್ಲ.

1) ಪ್ರತಿವಾದಿಗಳು ತಮ್ಮ ತಮ್ಮ ವಿಧಾನ ಸಭಾ ಕ್ಷೇತ್ರಗಳಿಂದ ಪಕ್ಷೇತರರಾಗಿ 13ನೇ ವಿಧಾನ ಸಭೆಗೆ ಆಯ್ಕೆಯಾಗಿರುತ್ತಾರೆ.
2) ಒಂದನೇ ಅರ್ಜಿಯ ಅರ್ಜಿದಾರರು ಭಾರತೀಯ ಜನತಾ ಪಕ್ಷದ ವತಿಯಿಂದ ಆಯ್ಕೆಯಾದ ಸದಸ್ಯರಾಗಿದ್ದು 1ನೇ ಅರ್ಜಿದಾರರು ಪಕ್ಷದ ಮುಖ್ಯ ಸಚೇತಕರಾಗಿದ್ದು ಮತ್ತು 2ನೇ ಅರ್ಜಿದಾರರೂ ಶಾಸಕಾರಿಗದ್ದು ಆ ಪಕ್ಷದ ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿಯಾಗಿರುತ್ತಾರೆ.
3) ಪ್ರತಿವಾದಿಗಳು ಚುನಾವಣೆಯ ನಂತರ ಭಾರತೀಯ ಜನತಾ ಪಕ್ಷದ ಶಾಸಕಾಂಗ ಪಕ್ಷದ ನಾಯಕರಾಗಿ ಆಯ್ಕೆಯಾದ ಶ್ರೀ ಬಿ.ಎಸ್.ಯಡಿಯೂರಪ್ಪನವರ ನೇತೃತ್ವದಲ್ಲಿ ಅವರು ಮುಖ್ಯಮಂತ್ರಿಯಾಗಿರುವ ಸರ್ಕಾರಕ್ಕೆ ಬೆಂಬಲವನ್ನು ಘೋಷಿಸಿರುತ್ತಾರೆ ಹಾಗೂ ಅವರ ಮಂತ್ರಿ ಮಂಡಲದಲ್ಲಿ ಸಚಿವರಾಗಿರುತ್ತಾರೆ.
4) ಪ್ರತಿವಾದಿಗಳು ಭಾರತೀಯ ಜನತಾ ಪಕ್ಷದ ಸಭೆ ಸಮಾರಂಭಗಳಲ್ಲಿ ಸಕ್ರೀಯವಾಗಿ ಭಾಗವಹಿಸಿರುತ್ತಾರೆ.
5) ಪ್ರತಿವಾದಿಗಳು ಭಾರತೀಯ ಜನತಾ ಪಕ್ಷದ ಶಾಸಕಾಂಗ ಪಕ್ಷದ ಸಭೆಗಳಲ್ಲಿ ಸಕ್ರೀಯವಾಗಿ ಭಾಗವಹಿಸಿರುವುದಲ್ಲದೇ ಅಧಿಕೃತ ದಾಖಲಾತಿಗಳಲ್ಲಿ ತಮ್ಮ ರುಜುವನ್ನು ದಾಖಲಿಸಿರುತ್ತಾರೆ.
6) ಪ್ರತಿವಾದಿಗಳು ಭಾರತೀಯ ಜನತಾ ಪಕ್ಷವು ನೀಡಿದ ವಿಪ್‌ನ್ನು ಕಾಲಕಾಲಕ್ಕೆ ಸ್ವೀಕರಿಸಿ ಅದರಂತೆ ನಡೆದುಕೊಂಡಿರುತ್ತಾರೆ.

ಈ ಅಲ್ಲಗಳೆಯಲಾಗದ ಅಂಶಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಪ್ರತಿವಾದಿಗಳು ತಮ್ಮ ಶಾಸಕ ಸ್ಥಾನದಿಂದ ಸಂವಿಧಾನದ ಅನುಬಂಧ 10ರ ಕಂಡಿಕೆ 2(2)ರಡಿಯಲ್ಲಿ ಅನರ್ಹರಾಗುತ್ತಾರೆಯೇ ಎಂದು ಪರಿಗಣಿಸಬೇಕಾಗುತ್ತದೆ.

ಭಾರತ ಸಂವಿಧಾನದ ಅನುಬಂಧ 10ರ ಕಂಡಿಕೆ 2(2)ರಲ್ಲಿ ಈ ಕೆಳಕಂಡಂತೆ ಉಲ್ಲೇಖಿಸಲಾಗಿರುತ್ತದೆ:–

2. Disqualification on ground of defection:-

(1) …………..

(2) An elected member of a House who has been elected as such otherwise than as a candidate set up by any political party shall be disqualified for being a member of the House if he joins any political party after such election.

ಈ ನಿಯಮವು ಪಕ್ಷೇತರರಿಗೆ ಸಂಬಂಧಪಡುತ್ತದೆಂಬ ಅಂಶವು ನಿರ್ವಿವಾದದ ಅಂಶವಾಗಿರುತ್ತದೆ. 10ನೇ ಅನುಬಂಧವನ್ನು ಭಾರತ ಸಂವಿಧಾನದಲ್ಲಿ 52ನೇ ತಿದ್ದುಪಡಿಯನ್ನು ದಿನಾಂಕ: 1.5.1985 ರಿಂದ ಸೇರಿಸಿಕೊಳ್ಳಲಾಗಿದ್ದು, ಈ ಸೇರ್ಪಡೆಯ ಉದ್ದೇಶವನ್ನು ಗಮನಿಸಬೇಕಾಗಿರುತ್ತದೆ. ಪಕ್ಷಾಂತರದ ಪಿಡುಗನ್ನು ತಡೆಗಟ್ಟುವುದು, ಸುಭದ್ರ ಸರ್ಕಾರವನ್ನು ನೀಡುವುದು ಹಾಗೂ ಪದೇ ಪದೇ ಚುನಾವಣೆಗಳನ್ನು ತಡೆಗಟ್ಟುವುದು, ಇದರಿಂದಾಗಿ ಪ್ರಜೆಗಳ ಮೇಲಾಗುವ ಹೊರೆಯನ್ನು ನೀಗಿಸುವುದು ಹಾಗೂ ತಮ್ಮನ್ನು ಆಯ್ಕೆ ಮಾಡಿದ ಪಕ್ಷದ ಸದಸ್ಯತ್ವದಿಂದ ಪಕ್ಷಾಂತರ ಮಾಡದೇ ಜನರ ನಿರೀಕ್ಷೆ ಹಾಗೂ ಅಪೇಕ್ಷೆಯಂತೆ ಪಕ್ಷೇತರರಾಗಿ ಉಳಯಬೇಕೆಂಬ ಇತ್ಯಾದಿ ಕಾರಣಗಳಂದ ಇವುಗಳನ್ನು ಅಳವಡಿಸಲಾಗಿದೆ.

ಪಕ್ಷೇತರರಾಗಿ ಆಯ್ಕೆಯಾದ ಶಾಸಕರು ಪಕ್ಷೇತರರಾಗಿ ಉಳಯಬೇಕೆನ್ನುವುದು 10ನೇ ಅನುಬಂಧದಿಂದ ಸ್ಪಷ್ಟವಾಗಿರುತ್ತದೆ. ಪ್ರತಿವಾದಿಗಳು ಪಕ್ಷೇತರರಾಗಿ ಆಯ್ಕೆಯಾದ ನಂತರ ರಾಜಕೀಯ ಪಕ್ಷದ ನೇತೃತ್ವದ ಸರ್ಕಾರದಲ್ಲಿ ಮಂತ್ರಿಗಳಾಗಿ ಹಾಗೂ ಆ ಪಕ್ಷದೊಂದಿಗೆ ಸಕ್ರೀಯವಾಗಿ ಗುರುತಿಸಿಕೊಂಡಿರುವುದು ಸಲ್ಲಿಸಲ್ಪಟ್ಟ ದಾಖಲಾತಿಗಳಂದ ಸ್ಪಷ್ಟವಾಗಿರುತ್ತದೆ. ಈ ರೀತಿಯ ಅವರ ನಡತೆಯನ್ನು ಅವರು ಅಲ್ಲಗಳೆದಿರುವುದಿಲ್ಲ. ಪ್ರತಿವಾದಿಗಳು ಪಕ್ಷೇತರರಾಗಿ ಮುಂದುವರೆದಿದ್ದಲ್ಲಿ ರಾಜಕೀಯ ಪಕ್ಷವೊಂದರ ಧ್ವಜ ಹಾಗೂ ಚಿಹ್ನೆಯಡಿಯಲ್ಲಿ ನಡೆಯುವ ಕಾರ್ಯಕ್ರಮಗಳಲ್ಲಿ ಭಾಗವಹಿಸುವ ಅವಶ್ಯಕತೆ ಇರುತ್ತಿರಲಿಲ್ಲ. ರಾಜಕೀಯ ಪಕ್ಷದ ಶಾಸಕಾಂಗ ಪಕ್ಷದ ಸಭೆಯಲ್ಲಿ ಭಾಗವಹಿಸಿ ದಾಖಲಾತಿಗಳಲ್ಲಿ ಸಹಿ ಮಾಡುವ ಅವಶ್ಯಕತೆ ಇರುತ್ತಾ ಇರಲಿಲ್ಲ. ಆ ಪಕ್ಷವು ನೀಡುವ ವಿಪ್‌ನ್ನು ಸ್ವೀಕರಿಸಿ ಅದರಂತೆ ನಡೆದುಕೊಳ್ಳುವ ಅವಶ್ಯಕತೆಯೂ ಇರಲಿಲ್ಲ. ಇವುಗಳ ಬಗ್ಗೆ ಪ್ರತಿವಾದಿಗಳು ಯಾವುದೇ ರೀತಿಯ ಸಮಜಾಯಿಷಿ ನೀಡಿರುವುದಿಲ್ಲ ಮತ್ತು ಇದನ್ನು ಅಲ್ಲಗಳೆದಿರುವುದಿಲ್ಲ. ಇವರ ಈ ನಡತೆಯಿಂದ ಇವರು ಪಕ್ಷೇತರರಾಗಿ ಆಯ್ಕೆಯಾದ ನಂತರ ಪಕ್ಷೇತರರಾಗಿ ಉಳಯದೇ ಇನ್ನೊಂದು ರಾಜಕೀಯ ಪಕ್ಷವನ್ನು ಸೇರಿಕೊಂಡಿರುತ್ತಾರೆಂಬುದು ನನಗೆ ಖಚಿತಗೊಂಡಿರುತ್ತದೆ.

ಕಾನೂನನ್ನು ವ್ಯಾಖ್ಯಾನಿಸುವಾಗ ಹೆಡನ್‌ನ (Hayden) ನಿಯಮವನ್ನು ಅನ್ವಯಿಸಿ ಪ್ರಕರಣವನ್ನು ವಿಶ್ಲೇಷಿಸುವ ಅಗತ್ಯವಿರುತ್ತದೆ. ಭಾರತೀಯ ಸಂವಿಧಾನದ 10ನೇ ಅನುಬಂಧವನ್ನು ಜಾರಿಗೆ ತಂದ ಉದ್ದೇಶವನ್ನು ಹಾಗೂ ಅರ್ಜಿದಾರರ ನಡತೆಯನ್ನು ಗಮನಿಸಿದಾಗ ಅವರು ಈ ಕಾನೂನನ್ನು ಉಲ್ಲಂಘಿಸಿರುವುದು ಸ್ಪಷ್ಟವಾಗಿರುತ್ತದೆ. ಕಾನೂನಿನ ವ್ಯಾಪ್ತಿಗೆ ಅವರ ನಡತೆ ಬರುವುದಿಲ್ಲವೆಂದು ನಿಲುವನ್ನು ತೆಗೆದುಕೊಂಡಿರುವುದು ಸ್ವೀಕಾರಾರ್ಹವಲ್ಲ.

ಭಾರತದ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯವು ಶ್ರೀ ರವಿ ಎಸ್. ನಾಯಕ್ ಯೂನಿಯನ್ ಆಫ್ ಇಂಡಿಯ ಎ.ಐ.ಆರ್. 1994 ಎಸ್. ಸಿ 1558 ಹಾಗೂ ಜಗಜಿತ್ ಸಿಂಗ್ ಸ್ಟೇಟ್ ಎ.ಐ.ಆರ್. 2007 ಎಸ್. ಸಿ.ಡಬ್ಲ್ಯೂ. 158 ಪ್ರಕರಣಗಳಲ್ಲಿನ ತೀರ್ಪುಗಳು ಈ ವಿಚಾರದಲ್ಲಿ ಗಮನಾರ್ಹ ಹಾಗೂ ಅವುಗಳನ್ನು ಗಮನಿಸಲಾಗಿದೆ. ಆ ತೀರ್ಪುಗಳು ಈ ಪ್ರಕರಣಕ್ಕೆ ಅನ್ವಯಿಸುತ್ತಿದ್ದು, ಈ ಪ್ರಕರಣದಲ್ಲಿ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯವು ವ್ಯಾಖ್ಯಾನಿಸಿದಂತೆ ಶಾಸಕನ ನಡತೆಯಿಂದ ಆತ ಸದಸ್ಯತ್ವದಿಂದ ಅನರ್ಹನಾಗುತ್ತನೆಂಬುದಕ್ಕೆ ಆಧಾರವಾಗಿ ನಿಲ್ಲುತ್ತದೆ.

ಪಕ್ಷೇತರರು ಪಕ್ಷೇತರರಾಗಿ ಮುಂದುವರೆಯಬೇಕಾಗಿದ್ದು, ಆತನು ಯಾವುದೇ ಪಕ್ಷವನ್ನು ಸೇರುವಂತಿಲ್ಲ ಹಾಗೂ ಆತನು ಬೇರೊಂದು ಪಕ್ಷವನ್ನು ಸೇರಿದ್ದಾನೋ ಇಲ್ಲವೋ ಎಂಬುದನ್ನು ಆತನ ನಡತೆಯಿಂದ ನಿರ್ಧರಿಸಬೇಕಾಗಿದೆ. ಈ ಅಂಶಗಳನ್ನು ಆತನ ಸಾರ್ವಜನಿಕ ನಡವಳಿಕೆಯ ಆಧಾರದ ಮೇಲೆ, ಮೇಲೆ ಉಲ್ಲೇಖಿಸಿದ ತೀರ್ಪಿನಲ್ಲಿ ಘೋಷಿಸಿರುವುದನ್ನು ಗಮನದಲ್ಲಿಟ್ಟುಕೊಂಡು ಪರಿಶೀಲಿಸಲಾಗಿದೆ. ಪ್ರತಿವಾದಿಗಳ ಸ್ಪಷ್ಟ ನಡತೆಯಿಂದ ಅವರು ಪಕ್ಷೇತರರಾಗಿ ಆಯ್ಕೆಯಾದ ನಂತರ ಭಾರತೀಯ ಜನತಾ ಪಕ್ಷವನ್ನು ಸೇರಿದ್ದಾರೆಂಬುದಾಗಿ ಹಾಗೂ ಈ ಕಾರಣಗಳಂದಾಗಿ ಅವರು ಭಾರತೀಯ ಸಂವಿಧಾನದ ಅನುಬಂಧ 10ರ ಕಂಡಿಕೆ 2(2)ರ ಅಡಿಯಲ್ಲಿ ಶಾಸಕ ಸ್ಥಾನದಿಂದ ಅನರ್ಹಗೊಂಡಿರುತ್ತಾರೆಂಬ ಅಭಿಪ್ರಾಯಪಟ್ಟು ವಿವಾದಾಂಶ 1ನ್ನು ಸಕಾರತ್ಮಕವಾಗಿ ಉತ್ತರಿಸಿರುತ್ತೇನೆ.

ವಿವಾದಾಂಶ 2:

ಪ್ರತಿವಾದಿಗಳು ತಮ್ಮ ವಕೀಲರ ಮುಖಾಂತರ ಹಾಜರಾಗಿದ್ದು ಮತ್ತು ವಿವರವಾದ ಆಕ್ಷೇಪಣೆಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ವಿಸ್ತಾರವಾದ ವಾದವನ್ನು ಪ್ರಕರಣದಲ್ಲಿ ಮಂಡಿಸಿರುತ್ತಾರೆ. ಅವರಿಗೆ ಸಾಕಷ್ಟು ಅವಕಾಶಗಳನ್ನು ನೀಡಲಾಗಿದೆ. ವಾದವನ್ನು ಮಂಡಿಸುವ ಸಂದರ್ಭದಲ್ಲಿ ಪ್ರತಿವಾದಿಗಳು ಎಲ್ಲೂ ಮೇಲೆ ಹೇಳಿದ ದಾಖಲೆಗಳನ್ನು ಅಲ್ಲಗಳೆದಿರುವುದಿಲ್ಲ. ಈ ದಾಖಲೆಗಳಂದ ಪಕ್ಷೇತರರಾಗಿ ಆಯ್ಕೆಯಾದ ನಂತರ ಇನ್ನೊಂದು ರಾಜಕೀಯ ಪಕ್ಷವನ್ನು ಸೇರಿರುತ್ತಾರೆಂಬುದು ಸ್ಪಷ್ಟವಾಗುತ್ತದೆ. 7 ದಿನಗಳ ಸಮಯವನ್ನು ಕೊಡಬೇಕೆಂದು ಅವರು ಉಲ್ಲೇಖಿಸಿರುವ ಕರ್ನಾಟಕ ಶಾಸಕಾಂಗ ಪಕ್ಷದ ಸದಸ್ಯತ್ವ ಅನರ್ಹತೆ ನಿಯಮ 1986ರ ನಿಯಮ 7(3) ಕೇವಲ ತಾಂತ್ರಿಕವಾಗಿದ್ದು, ಪ್ರತಿವಾದಿಗಳು ಅನರ್ಹಗೊಂಡಿರುತ್ತಾರೆಂಬುದು ಸಾಬೀತಾದಲ್ಲಿ ಈ ತಾಂತ್ರಿಕ ಆಕ್ಷೇಪಣೆಗಳ ಬಗ್ಗೆ ಮತ್ತೆ ಕಾಲಾವಕಾಶ ನೀಡುವ ಅವಶ್ಯಕತೆ ಇರುವುದಿಲ್ಲ. ಪ್ರತಿವಾದಿಗಳ ಪರವಾಗಿ ಹಾಜರಾದ ವಕೀಲರು ಆಕ್ಷೇಪಣೆಗಳನ್ನು ಸಲ್ಲಿಸಿದ್ದಾರೆ ಹಾಗೂ ವಾದವನ್ನು ಮೆರಿಟ್ಸ್ ಆಧಾರದ ಮೇಲೆ ಮಾಡಿರುತ್ತಾರೆ. ನಿಯಮ 7(3)ರ

ಪ್ರಕಾರ 7 ದಿನಗಳ ಕಾಲಾವಕಾಶ ನೀಡಬೇಕೆಂಬ ಕೋರಿಕೆಗೆ ಈಗ ಯಾವುದೇ ಮಹತ್ವ ಉಳಿದಿರುವುದಿಲ್ಲ. ಪ್ರತಿವಾದಿಗಳು ಈ ಹಕ್ಕನ್ನು ಕೂಡ ತೊರೆದಿರುತ್ತಾರೆ. ಈ ಕಾರಣದಿಂದಾಗಿ ವಿವಾದಾಂಶಗಳನ್ನು ನಕಾರಾತ್ಮಕವಾಗಿ ಉತ್ತರಿಸಿರುತ್ತೇನೆ.

ವಿವಾದಾಂಶ 3:

ಪ್ರತಿವಾದಿಗಳ ಅರ್ಜಿ ಸಂಖ್ಯೆ 2 ರಿಂದ 6ರವರೆಗೆ ಅರ್ಜಿದಾರರು ಸಲ್ಲಿಸಿರುವ ಅರ್ಜಿಗಳು ಸ್ವೀಕಾರಾರ್ಹವಲ್ಲವೆಂದು ವಾದಿಸಿ ನಿಯಮ 6(2)ನ್ನು ಉಲ್ಲೇಖಿಸಿರುತ್ತಾರೆ. ಈ ಮೇಲೆ ಹೇಳಲಾದ ನಿಯಮ 6(2)ರಲ್ಲಿ ಅನರ್ಹತೆ ಅರ್ಜಿಯನ್ನು ಇನ್ನೊಬ್ಬ ಸದಸ್ಯ ಅಂದರೆ ಶಾಸಕ ಮಾಡಬಹುದು ಎಂದಿದೆ. ನಿಯಮ 6(1) ಮತ್ತು (2)ರಲ್ಲಿ ಈ ಕೆಳಕಂಡಂತೆ ಉಲ್ಲೇಖಿಸಲಾಗಿರುತ್ತದೆ:–

"**6. Reference to be by Petitions:-**

(1) No reference of any question as to whether a member has become subject to disqualification under the Tenth Schedule shall be made except by a petition in relation to such member made in accordance with the provisions of this rule.

(2) A petition in relation to a member may be made in writing to the Speaker by any other member.

Provided that a petition in relation to the Speaker shall be addressed to the Secretary.

ನಿಯಮ 6(2)ನ್ನು ಪರಿಗಣಿಸಿದಾಗ ಉದ್ಭವಿಸುವ ಅಂಶಗಳು ಏನೆಂದರೆ ಅರ್ಜಿಯನ್ನು ಇನ್ನೊಬ್ಬ ಸದಸ್ಯ ಅಂದರೆ 'ಶಾಸಕ' ಹಾಕಬಹುದು ಎಂದಿದೆಯೇ ಹೊರತಾಗಿ ಆ ಅನರ್ಹತೆಯ ಅರ್ಜಿಯನ್ನು ಭಾರತ ಸಂವಿಧಾನದ 10ನೇ ಅನುಬಂಧದ ಅಡಿಯಲ್ಲಿ ದಾಖಲಿಸಲು ಮತದಾರರಿಗೆ ಹಕ್ಕಿಲ್ಲವೆಂದು ಹೇಳಿರುವುದಿಲ್ಲ. ಸಂವಿಧಾನದ 10ನೇ ಅನುಬಂಧವನ್ನು ಜಾರಿಗೆ ತಂದಿರುವ ಉದ್ದೇಶ ಇತ್ಯಾದಿಗಳನ್ನು ಪರಿಗಣಿಸಿದಾಗ ವ್ಯಕ್ತವಾಗುವ ಅಂಶಗಳೆಂದರೆ ಅನರ್ಹತೆ ಶಾಸಕರ ನಡತೆಯಿಂದ ಅಥವಾ ಅನುಬಂಧ 10ರಲ್ಲಿ ಹೇಳಿದ ನಿಯಮಗಳ ಉಲ್ಲಂಘನೆಯಿಂದ ಬರುತ್ತದೆಯೇ ಹೊರತು ಅಂತಹ ಉಲ್ಲಂಘನೆಯ ಅನರ್ಹತೆಯನ್ನು ಯಾರ ಅರ್ಜಿಯ ಮೇಲೆ ಮಾತ್ರ ಮಾಡಬೇಕೆಂಬುದನ್ನು ಹೇಳಿರುವುದಿಲ್ಲ. ಭಾರತ ಸಂವಿಧಾನದ ಅನುಬಂಧ 10ರ ಕಂಡಿಕೆ 2(2)ರ ಉಲ್ಲಂಘನೆಯಾದಲ್ಲಿ ಸದಸ್ಯರಿಗೆ ಅನರ್ಹತೆಯುಂಟಾಗುತ್ತದೆ. ಈ ಅನರ್ಹತೆಯನ್ನು ಅರ್ಜಿಯ ಸಿಂಧುತ್ವವನ್ನು ಮೇಲೆ ಉಲ್ಲೇಖಿಸಿದ ನಿಯಮವನ್ನು ಉಲ್ಲೇಖಿಸಿ, ಆಕ್ಷೇಪಣೆಯಿಂದ, ರದ್ದುಗೊಳಿಸಲು ಅಸಿಂಧುವೆಂದು ಹೇಳಲು ಸಾಧ್ಯವಿರುವುದಿಲ್ಲ. ಇಂತಹ ತಾಂತ್ರಿಕ ಆಕ್ಷೇಪಣೆಗಳಿಂದ ಅರ್ಜಿಯನ್ನು ಸ್ವೀಕಾರರ್ಹವಲ್ಲವೆಂದು ತೀರ್ಮಾನಿಸಿದಲ್ಲಿ ಸಂವಿಧಾನದ 10ನೇ ಅನುಬಂಧದ ಉದ್ದೇಶವನ್ನು ಸೋಲಿಸಿದಂತಾಗುತ್ತದೆ. ಮತ ನೀಡಿದ ಪ್ರತಿಯೊಬ್ಬ ಪ್ರಜೆಯು ತಮ್ಮ ಶಾಸಕರು ಸಂವಿಧಾನವನ್ನು ಹಾಗೂ ಸಂವಿಧಾನದ ಆಶಯಗಳನ್ನು ಪಾಲಿಸಬೇಕೆಂದು ಕೇಳುವ ಮತ್ತು ಅದನ್ನು ಉಲ್ಲಂಘಿಸಿದಲ್ಲಿ ಅದನ್ನು ಪ್ರಶ್ನಿಸುವ ಹಕ್ಕು ಹೊಂದಿದ್ದು, ಇದನ್ನು ಉಲ್ಲಂಘಿಸಿದ ವ್ಯಕ್ತಿಯು ತಮ್ಮ ಉಲ್ಲಂಘನೆಯ ಪರಿಣಾಮಗಳಿಂದ ಆಗಬಹುದಾದ ಅನರ್ಹತೆಯನ್ನು ತಪ್ಪಿಸಿಕೊಳ್ಳುವ ಉದ್ದೇಶದಿಂದ ಇಂತಹ ತಾಂತ್ರಿಕ ಆಕ್ಷೇಪಣೆಗಳನ್ನು ಸಲ್ಲಿಸುವ ಹಕ್ಕು ಹೊಂದಿರುವುದಿಲ್ಲ. ಆದುದರಿಂದ, ಈ ತಾಂತ್ರಿಕ ಆಕ್ಷೇಪಣೆಯು ಸ್ವೀಕಾರರ್ಹವಲ್ಲವೆಂದು ಅಭಿಪ್ರಾಯಪಟ್ಟು ಮೂರನೇ ಅಂಶವನ್ನು ನಕಾರಾತ್ಮಕವಾಗಿ ಉತ್ತಿರಿಸುತ್ತೇನೆ.

ಈ ಮೇಲಿನ ಎಲ್ಲಾ ಕಾರಣಗಳಿಂದ ಈ ಅರ್ಜಿಗಳ ಮೇಲೆ ಈ ಕೆಳಕಂಡ ಆದೇಶವನ್ನು ಮಾಡುತ್ತಿದ್ದೇನೆ:–

ಆದೇಶ

1) ಪ್ರತಿವಾದಿಗಳಾದ **ಶ್ರೀ ಶಿವರಾಜ ತಂಗಡಗಿ,** ಶಾಸಕರು, ಕನಕಗಿರಿ ಕ್ಷೇತ್ರ, **ಶ್ರೀ ಡಿ.ಸುಧಾಕರ್,** ಶಾಸಕರು, ಹಿರಿಯೂರು ಕ್ಷೇತ್ರ, **ಶ್ರೀ ಗೂಳಿಹಟ್ಟಿ ಡಿ.ಶೇಖರ್,** ಶಾಸಕರು, ಹೊಸದುರ್ಗ ಕ್ಷೇತ್ರ, **ಶ್ರೀ ವೆಂಕಟರಮಣಪ್ಪ,** ಶಾಸಕರು, ಪಾವಗಡ ಕ್ಷೇತ್ರ ಹಾಗೂ **ಶ್ರೀ ಪಿ.ಎಂ.ನರೇಂದ್ರಸ್ವಾಮಿ,** ಶಾಸಕರು, ಮಳವಳ್ಳಿ ಕ್ಷೇತ್ರ, ಇವರುಗಳು ಭಾರತ ಸಂವಿಧಾನದ 10ನೇ ಅನುಬಂಧದ ಕಂಡಿಕೆ 2(2)ರ ಉಲ್ಲಂಘನೆಯಿಂದಾಗಿ ಶಾಸಕ ಸ್ಥಾನದಿಂದ ತಕ್ಷಣ ಅನರ್ಹಗೊಂಡಿರುತ್ತಾರೆಂದು ಈ ಮೂಲಕ ಘೋಷಿಸಿಸುತ್ತೇನೆ.

2) ಈ ಘೋಷಣೆಯ ಕಾರಣದಿಂದಾಗಿ 13ನೇ ವಿಧಾನ ಸಭೆಯಲ್ಲಿ ಪ್ರತಿವಾದಿಗಳು ಪ್ರತಿನಿಧಿಸುತ್ತಿರುವ ಕ್ಷೇತ್ರದ ಸ್ಥಾನಗಳು ತಕ್ಷಣದಿಂದ ಜಾರಿಗೆ ಬರುವಂತೆ ತೆರವಾಗಿರುತ್ತವೆ.

ಕೆ.ಜಿ.ಬೋಪಯ್ಯ

10.10.2010. ಸಭಾಧ್ಯಕ್ಷರು.

ವಿಶೇಷ ಪತ್ರಿಕೆ

ಭಾಗ – ***IV-A***	ಬೆಂಗಳೂರು, ಸೋಮವಾರ, ಅಕ್ಟೋಬರ್ ೧೧, ೨೦೧೦ (ಆಶ್ವಯುಜ ೧೯, ಶಕ ವರ್ಷ ೧೯೩೨)	ನಂ. ೧೦೫೦

URBAN DEVELOPMENT SECRETARIAT

NOTIFICATION

No. UDD 120 PRJ 2010 (P-1), Bangalore, Dated: 8th October, 2010

The draft of the following rules which the Government of Karnataka proposes to make in exercise of powers conferred by Section 24 of Mysore Tramways Act, 1906 (Mysore Act, II) is hereby published as required under Sub Section (1) to (5) of Section 26 of Mysore Tramways Act, 1906, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration after thirty days from the date of its publication in the Official Gazette.

Any objection or suggestion which may be received by the State Government from any person in respect of a said draft before the expiry of the period specified above will be considered by the State Government. The objections and suggestions may be addressed to Principle Secretary to Government (Additional Chief Secretary as the case may be), Urban Development Department, Vikas Soudha, Bangalore 01.

DRAFT RULES

THE BANGALORE METRO RAIL GENERAL RULES, 2010

In exercise of the powers conferred by Section 24 of the Mysore Tramways Act, 1906 the State Government hereby makes the following rules, namely:--

CHAPTER - I

PRELIMINARY

1. Short title and commencement.—

(l) These rules may be called the Bangalore Metro Rail General Rules, 2010.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.- (l) In these rules, unless the context otherwise requires -**,**

1) "Accident" means any occurrence which causes or is potential to cause death or injury to staff, passengers or other persons or causes damage to the property of the Metro Rail, passengers or other persons;

2) “Act” means the Mysore Tramways Act, 1906;

3) “Adequate distance” means the distance sufficient to ensure safety;

4) "Approach lighting" means an arrangement in which the lighting of signals is controlled automatically by the approach of a train;

5) "Approved special instructions" means special instructions approved or laid down by the Commissioner;

6) "Authorised Officer" means a person who is duly empowered by general or special order of the metro rail administration, either by name or by virtue of his office, to issue instructions or to do any other thing;

7) "Authorised employee" means a metro rail employee to whom a competency certificate has been issued by the metro rail administration;

8) “Authorised Electrical person” means any person who is duly authorised to perform specific work on the electrical equipment or circuitry, the authorisation being done by an officer of the Metro Rail administration empowered for this purpose.

9) "Authority to Proceed" means the authority given to the train operator of a train, under the system of working, to enter the block section with his train;

10) "Automatic Fare Collection" system means automatic system for collection of fares and issue of tickets;

11) "Automatic Train Operation" means a sub-system of Continuous Automatic Train Control System, which automatically controls acceleration, coasting, braking and stopping of trains;

12) "Automatic Train Protection" means a sub-system of Continuous Automatic Train Control System which maintains safe train operation, including train direction, train separation, interlocking and speed enforcement;

13) "Automatic Train Supervision" means a sub-system of Continuous Automatic Train Control system, which automatically monitors the entire system and directs train running so as to provide scheduled service under normal circumstances;

14) “Auxiliary substation” means a substation where equipments are provided for conversion of 33kV/415Volts AC.

15) "Axle Counter" means an electrical device which, when provided at two given points on the track, proves, by 'counting axles in' and 'counting axles out', whether the section of the track between the said two points is clear or occupied;

16) "Back Up control centre" is a backup centre to the operation control centre(OCC) for controlling the movement of trains and will be located at Peenya.

17) "Berth" means length of track nominated to be occupied by a train;

18) "Block Back" means to dispatch a message from a block station intimating to the block station immediately in rear on a double line, or to the next block station on either side on single line that the block section is obstructed or is to be obstructed;

19) "Block Forward" means to dispatch message from a block station on a double line intimating the block station immediately in advance the fact that the block station in advance is obstructed or is to be obstructed;

20) "Block Section" means that portion of the running line between block stations as specified by special instructions on to which no running train may enter, until permission to approach has been received from the block station at the other end of the block section;

21) "Block Station" means a station at which permission to approach is received or granted;

22) "Cab signal" means visual indication displayed as speed code on the train operator's console granting him the authority to proceed under Automatic Train Operation, or Coded Manual Mode, or Automatic Train Protection Mode of driving;

23) "Calendar day" means the period from midnight to midnight;

24) "Car Shed" or 'Service Depot' means an area where metro rail trains and coaches are berthed either for repair or for any other attention including stabling;

25) "Caution Order" means an instruction given to the Train Operator to observe special precautions including speed reduction at notified locations;

26) "Certificate of Competency" means the certificate issued to the metro rail employee after he has been examined for his knowledge of rules, regulations, procedures and manuals relevant to his duties and found fit;

27) "Circuit" means an arrangement of conductors and electrical apparatus connected to a source of electric supply.

28) "Circuit main earth" means any earth , whether portable or integral with the equipment, which is applied prior to the issue of a "permit-to-work".

29) "Coded Manual Mode", or "Automatic Train Protection Mode", or "Manual Cab Signal Mode" means the mode of operation of train under Continuous Automatic Train Control System where train is driven manually but remains subject to maximum speed determined by Automatic Train Protection code;

30) "Commissioner" means the Commissioner the Engineer appointed under Section. 12 of the Act.

31) "Cut Out Mode" means the mode of operation of trains under Continuous Automatic Train Control System intended for use in case of train borne Train Control and Signalling System failure, preventing release of emergency brake, the train being operated by the Train Operator in accordance with line side signals;

32) "Continuous Automatic' Train Control System" means an automatic system of controlling and monitoring train movements continuously by means of sub-systems namely: Automatic Train Protection System, Automatic Train Operation System and Automatic Train Supervision System;

33) "Connections", when used with reference to a running line, means the arrangements used to connect such line with other lines or to cross it;

34) "Control Terminal" means a terminal for controlling signaling & electrical equipments.

35) "Chief Controller" means the metro rail official in overall charge of Operations Control Centre functions;

36) "D.C.Traction" means a traction system working on 750 volts D.C.(Direct current) having third rail system adjacent to running rail on main line and stinger system in depot.

37) "Depot Controller" means a metro rail employee responsible for movements of rakes within the depot area, including interchange of rakes between the depot and the main line;

38) "Disconnector Switch" is an isolator. The entire section shall be divided into various sub sections. These subsections shall be fed from different supplies. In case of failure of a particular subsection, the feed may be extended from adjacent sub section. This shall be achieved through closing of disconnector switch by SCADA operator.

39) Earth" means the general mass of the earth and any conductor in direct electrical connection with it.

40) "Earthed" means connected to earth in such a manner as will ensure at all times an immediate discharge of electrical energy without danger.

41) "Electrical way and works" means the traction installations including overhead equipment and other connected works provided on the electrified sections of the rail;

42) "Emergency" means an occurrence where there is a continuing risk of further injury and damage or major disruption to the rail service;

43) "Emergency Stop Plunger/Switch" means the switch provided on the platform, the operation of which causes the trains located in the station limit to come to a stop;

44) "Engineer's Possession" means a defined section of track under the sole control of an authorised supervisor of track and structures department for a specific length of time;

45) "Facing and Trailing Points" means points are facing or trailing in accordance with the direction a train or vehicle moves over them. Points are said to be, facing points when by their operation, train approaching them can be directly diverted from the line upon which it is running;

46) "Feeding Post" means a supply control post, where the incoming feeder lines from grid sub-station are terminated;

47) "Fixed signal" means a signal of a station at a fixed location controlling the movement of trains and forming part of the signalling system;

48) "Fouling Mark" means the mark at which the infringement of Standard Dimension occurs where two lines cross or join one another;

49) "Headway" means the time interval between two successive trains;

50) “Incident" means any .occurrence which causes delay to passenger services;

51) “Inspection Car” means a self propelled vehicle, which is used for the inspection, maintenance and repairs of the equipments on viaduct and tunnel.

52) "Interlocking" means an arrangement of signals, points and other appliances, operated from a panel, so interconnected by mechanical or electrical or electronic locking or both that their operation must take place in proper sequence to ensure safety;

53) “Insulated Rail Joint” shall be provided at various locations for the purpose of sectioning of the conductor rail being powered from different traction substations. This is an insulated joint used to separate different sections provided by two different substations/ traction substations.

54) “Isolate” means to disconnect from all sources of Electric supply.

55) "Isolation" means an arrangement secured by the setting of points, or other approved means, to protect the line so isolated from obstruction from movement on other connected line or lines;

56) “Jumper cable” means a cable provided with clips for use as a temporary electrical connection to bridge a gap e.g. in a running rail cable or pipe.

57) "Local Control" means the assumption of the responsibilities of the Traffic Controller for the specific station by a person who is authorised to do so for the time being;

58) "Metro rail administration” means,--
Constitution and authorisation of an empowered body by the State Government by issue of notification, for executing the orders/guidelines and functioning of day today affairs/working and also shall be responsible for effective implementation of metro rail inclusive of operation and maintenance.

59) "Metro rail employee" means an employee duly qualified, possessing a valid certificate of competency and nominated to undertake and perform the duties entrusted to him;

60) “Normal direction of traffic" means traffic moving on the left hand side track;

61) "Obstruction" and its cognate expressions includes a train, vehicle or obstacle on or fouling a line or any condition which is dangerous to trains;

62) “Open circuit” means the condition when a circuit is incomplete by the opening of a switch or otherwise thus preventing electric current from flowing.

63) "Operations Control Centre" means the organization in overall charge of controlling the movement of trains on the main line;

64) "Passenger Train" means a train intended solely for the movement of passengers;

65) "Permission to Approach" means permission given from a block station in advance to block station in rear for a train to leave the latter and approach the former;

66) "Point and Trap Indicators" are not signals, but are appliances fitted to and working with points to indicate the position in which they are set;

67) "Power Block" means withdrawing traction current or power supply from a particular section;

68) "Proceed Code" means the Automatic Train Protection code other than zero speed code on the Train Driver or Train Operator's console which indicates the target speed;

69) “Receiving substation” means a substation where 66/132/220 kV supply is received from Grid substation(GSS) and transformed to 33 kV AC.

70) “Rectifier” means an apparatus for conversion of alternating current into direct current.

71) "Restricted Manual Mode" means a driving mode where train is driven manually and is subject to Automatic Train Protection code in respect of its speed limit only;

72) "Rolling Stock Supervisor" means a metro rail employee duly qualified to examine trains and certify their fitness for safe running;

73) "Running line" means the track used for running trains through and between stations and includes connections, if any, used by a train when entering or leaving stations;
74) "Running train" means a train which has started but has not completed its journey;
75) "Run On Sight Mode" means a driving mode where the train is driven manually and is subject to Automatic Train Protection restriction in respect of its speed only until Automatic Train Protection track indications are recognized after which it automatically changes to Coded Manual Mode or Automatic Train Protection;

76) "SCADA" means Supervisory control and Data Acquisition system for the purpose of remote monitoring and control from the Operational Control Center (OCC) and Backup Control Centre (BCC) all the power supply installations.

77) "SCD" means Short Circuiting Devices provided for safety reasons at each station located in ASS-TSS room to temporarily short circuit the running rails to earth in case a rise of running rail potential exceeds prescribed limits.

78) "Secure a train" means to make a full brake application, close down all driving positions and remove the Train Operator's control key. On non-EMU trains this also means applying parking brakes;
79) "Short Circuit" means a fault condition in the circuit arising from the introduction of a path of low resistance to electric current;
80) "Shunting" means the movement of a coach or coaches with or without traction motors or of any other self-propelled vehicle, for the purpose of attaching, detaching or transfer or for any other purpose;
81) "Signal" means an indication given to a train operator for controlling the movement of his train;
82) "Signal Supervisor" means any Inspector of Signal and Telecommunication Department in charge of installation and maintenance of any signalling and/or associated telecommunication gears either on track/field/station or on train;
83) "Special instruction" means instructions issued from time to time by the authorised officer in respect to particular cases or special circumstances;
84) "Station" means any place on a line of the metro rail at which passenger traffic is dealt with;
85) "Station Controller" means the person on duty who is for the time being responsible for the working of the station and traffic within station limits and includes the Assistant Station Controller or any person who is for the time being in independent charge of the working of such station and traffic;
86) "Station section" means that portion of the running track within station limits, which is intervening between two consecutive block sections;
87) "Station Control Room" means the room where station control panel is located;

88) "Substation" means a building or area containing electrical equipment for reception and transmission of electrical energy.

89) "Supervisor Track and Structure/Works" means any metro employee responsible for the construction or maintenance of points and signals, underground structure, surface structure, bridges or other works connected therewith;
90) "Supply control post" means a assembly of interrupters isolator switches, remote control equipment and other apparatus provided for controlling power supply to overhead equipment and it includes feeding posts, sectioning and paralleling posts and sub-sectioning posts;
91) "System of working" means one or more of the systems specified in Chapter VII for the time being for the working of trains;
92) "Target distance" means the distance within which the train must attain the target speed;
93) "Target speed" means the speed displayed on the train operator's console to indicate the speed the train must not exceed at the target location;

94) "Temporary earth" means an additional earth which is applied after the issue of a "permit-to-work" and which must be removed prior to the cancellation of the "permit-to-work".

95) "Terminal Station" means the station at the end of a line;
96) "Test Track"means the portion of the track in the depot used for testing of coaches or a train.
97) "Third Rail" means a rail on insulators laid by the side of running rails for conduction of electric current to the train through the current collector fitted on the train for its running in mainline and depots.
98) "Track Circuit" means an electrical circuit provided to detect the presence of a vehicle on a portion of track, the rails of the track forming part of the circuit;
99) "Track feeder breaker" means a circuit breaker controlling the supply of 750 volts DC to the third rail equipment.

100) "Traction current" means the current drawn by an electric train at 750 volts DC for movement.

101) “Traction Power Controller” means a competent Metro Rail servant who is for the time being responsible for the control of power supply and operations pertaining thereto on the traction power distribution system of the Metro Rail.

102) “Traction substation” means a substation where equipments are provided for converting AC to DC through rectifier transformer sets.

103) "Traffic Controller" means a metro rail employee on duty in the Operations Control Centre who is for the time being responsible for running of trains on the Metro System;

104) "Traffic hours" means the period between the time of the start of the running of the first scheduled train in the morning and termination of the last scheduled train at night;

105) "Train" means a consist of driving motor, motor and trailer coaches OR an engine with or without vehicle attached or any self-propelled vehicle with or without a trailer which cannot be readily lifted off the track.

106) "Train Integrated Management System” means a system designed to provide information on a variety of functions related to movement of metro trains, like traction, power, braking air conditioning etc;

107) "Train radio" means a wireless telephone message communication system between the cab of the train stations and the control;

108) "Train Operator" means the driver of the metro train for the time being in charge of movement and control of the metro train;

109) “Transformer” means a static apparatus for transforming and supplying alternating current at different voltages.

110) "Works train" means a departmental train intended solely for execution of work on the metro rail network;

Note :

Words and expressions used in these Rules and not defined shall have the meaning respectively assigned to them in the respective Acts.

CHAPTER - II

RULES APPLYING TO METRO RAIL EMPLOYEES GENERALLY

3. Supply of copies of rules.-The metro rail administration shall supply a copy of these rules and the amendments made therein to ---

(a) (i) Operations Control Centre;

(ii) each station;

(iii) each rake maintenance, traction, permanent way and signal depot; and

(iv) such other offices as may be specified under special instructions;

(b) each metro rail employee on whom any definite responsibility has been placed by these rules, or of such portions of rules as relate to his duties.

4. Upkeep of the copy of the rules.-Every metro rail employee who has been supplied with a copy of these rules, shall --

(a) have his copy readily available when on duty;

(b) keep it posted with all corrections;

(c) produce the same on demand by any of his superiors;

(d) obtain a new copy from his superior in case his copy is lost or defaced; and

(e) ensure that the staff working under him are supplied with all corrections or amendments and that they comply with the provisions of this rule.

5. Knowledge of rules.-Every metro rail employee shall--

(a) be fully conversant with the rules relating to his duties;

(b) pass the specified examinations as conducted by the authorised officer;

(c) satisfy himself that the staff working under him are conversant with the rules relating to their duties and obtain a written assurance.

6. Assistance in observance of rules.-Every metro rail employee shall render assistance in carrying out these rules and report promptly any breach thereof, which may come to his notice, to his superior officer and other authority concerned.

7. Obedience to rules and orders.-Every metro rail employee shall observe and obey --

(a) all rules and special instructions; and

(b) all lawful orders given by his superior officials.

8. *Prevention of trespass, damage or loss*.-

(1) Every metro rail employee shall be responsible for the security and protection of the property of the metro rail administration under his charge or possession.

(2) Every metro rail employee shall endeavour to prevent --

(a) trespass on metro rail premises;

(b) theft, damage or loss of metro rail property;

(c) injury to passengers, others and himself; and

(d) fire and other unsafe incidents in metro rail premises.

9. *Attendance for duty.-* Every metro rail employee shall be in attendance for duty at such times and places and for such periods as may be fixed by the metro rail administration and shall also attend at any other time and place at which his services may be required.

10. *Absence from duty.-*

(1) No metro rail employee shall, without prior permission of his superior officer, absent himself from duty or alter his appointed hours of attendance or exchange duty with any other metro rail employee or leave his charge of duty unless properly relieved.

(2) If any metro rail employee, while on duty, desires to absent himself from duty on the ground of illness, he shall immediately report the matter to his superior officer and shall not leave his duty until a competent metro rail employee has been placed in charge thereof.

11. *Taking alcoholic drink, sedative, narcotic, stimulant drug or preparation*.-

(1) A metro rail employee shall not take or use any alcoholic drink, sedative, narcotic or stimulant drug or preparation within eight hours before the commencement of his duty or take or use any such drink, drug or preparation while on duty.

(2) No metro rail employee, while on duty, shall be in a state of intoxication or in a state in which, by reason of his having taken or used any alcoholic drink, sedative, narcotic or stimulant drug or preparation, his capacity to perform his duties is impaired.

(3) A metro rail employee, while on duty, shall not smoke or chew tobacco.

12. *Conduct of metro rail employees*.-Every metro rail employee shall,--

(a) wear the appropriate badge and proper uniform as specified by the metro rail administration and be neat and tidy in his appearance while on duty;

(b) be prompt, civil and courteous;

(c) not solicit or accept illegal gratification;

(d) give all reasonable assistance and be careful to give correct information to the public;

(e) make complete and truthful statement at all times in all reports pertaining to his duty; and

(f) when asked, give his name and designation without hesitation.

13. *Duty for ensuring safety.-*

(1) Every metro rail employee shall:

(a) see that every effort is made for ensuring safety of the public and of his fellow employees;

(b) promptly report to his superior any occurrence likely to affect the safe and proper working of the metro rail which may come to his notice; and

(c) render spontaneously all possible assistance when called upon to do so by the appropriate official in case of an accident or obstruction.

(2) Every metro rail employee who observes:

(a) anything wrong with a train;

(b) any obstruction, failure or threatened failure of any part of the way or works or overhead electric equipment including power supply installation; or

(c) any defective signal; or

(d) any unusual circumstances such as fire, smoke, flood, accident or other dangerous condition on any part of the system likely to interfere with the safe running of trains, or the safety of the public.

Shall take immediate steps, to prevent an accident, and promptly report the matter to the Operations Control Centre or the nearest Station Controller.

14. ***Standard time*** .- The working of trains between stations on Bangalore Metro Rail shall be regulated by the Indian Standard Time as prescribed by the Government of India.

15. ***Access Control*** **–** In addition to identity cards, all Metro Rail employees will be provided with access control cards signed by their controlling officers to allow them to visit places on the Metro Rail system with restricted access in line of their duties. Particularly the following places will have restricted access in addition to other places as notified from time to time by the order of competent authority:

a) Traction substation
b) Auxiliary sub-station
c) Signaling equipment room
d) Telecommunication equipment room
e) UPS room
f) Station Control room
g) Operation control centre
h) Backup control centre
i) Depot control centre.

CHAPTER - III

SIGNALS AND CONTROL

15. ***General*** .-

(1) The following signals shall be used for controlling the movements of train on metro rail, namely:_

(a) cab signals;

(b) fixed signals; and

(c) hand signals.

(2) The aspects displayed by fixed signals are the same by day and by the night, in open and in tunnels.

(3) A fixed signal shall be placed, where practicable, on the left hand side of the track to which it refers and shall be visible from such a distance as will enable a Train Operator to brake a train from 25 km/h speed to stop before reaching the fixed signal and a repeater signal shall be provided at locations where due to obstructions such visibility is not available,

16. Description of signals.-

(1) Cab signals-

(i) Train movements on running tracks shall normally be governed by the Automatic Train Protection System which displays to the Train Operator in the operating console --

(a) actual speed of the train;

(b) the maximum permitted speed at each point of travel;

(c) the distance the train is currently authorised to travel (where provided);

(d) system alarms; and

(e) messages.

(ii) If the target speed indication and the target distance indications, where provided, are greater than zero, the indication is referred to as "PROCEED" indication.

(iii) If either of these indications is "0", the indication is referred to as "STOP" indication.

(iv) The Train Operator is authorised to drive his train up to the indicated speed as far as authority has been given for such purpose.

(2) Fixed signals-

(i) On main lines fixed signals are color light signals capable of showing a "Red", “Violet" or “Green" aspect.

(ii) A "Red" aspect indicates that a train must be brought to STOP short of the signal.

(iii) A "Violet" aspect indicates that the route is set and locked but not fully clear. A train operating under cab signals may proceed under the authority of the cab signals but a train operating on the sole authority of line side signals must stop.

(iv) A "Green" aspect indicates that the route is cleared to the next fixed signal and the train may proceed as far as the next fixed signal.

(v) When a fixed signal is not in use, the aspect shall be covered and the cover shall display two crossed white bars on a black background, the bars being not less than 30 cms long and 10 cms wide.

(3) ***Depot signals***-

(i) In depots, fixed signals may be both color light and position light type and main line type fixed signals shall comply with the manner as specified in sub-rule (2), and

(ii) In position light type signalling two white lights displayed horizontally shall mean that a train shall stop.

(iii) Two white lights displayed at an angle shall mean that a train may proceed in restricted manual control as far as the line is clear and the Train Operator must keep a good look out for an obstruction.

(4) ***Hand signals***-

(i) Hand signals shall normally be used only for the shunting of work trains in depot, or at the site of work, or in extreme emergency.

(ii) Any light other than 'Green' or any object waved violently shall be interpreted as a stop signal.

(iii) "STOP" shall be indicated by --

(a) a Red lamp;

(b) raising of both arms above the head;

(c) waving a white light rapidly from side to side;

(d) a Red flag.

(iv) "PROCEED" shall be indicated by a Green lamp held steadily.

(v) Hand signals for shunting and train movements shall have the following configurations –

Aspect	***Indication***
(a) A Green lamp moved slowly up and down	Move away from the signal
(b) A green lamp waved from side to side across the body	Move towards the signal
(c) A Red light	Stop

(vi) When during cautious driving or shunting the speed of a train is to be reduced, the hand signal for movement shall be given at a slower and slower rate and when a stop is required a STOP signal shall be given.

(vii) Each Station Control Room shall have at least one hand lamp capable of displaying Red, Green and White aspects readily accessible and in working order and each Station Controller shall be conversant with its location and its proper use.

(viii) Each metro rail employee involved in the shunting of work trains, the operation of work trains at a maintenance site and the operation of work trains within an Engineer's Possession, shall carry a hand lamp capable of displaying Red, Green and White aspects in working order and shall be conversant with its proper use.

17. Provision of signals.-

I. Fixed signals shall be provided on running lines at the approach to all interlocking areas and located in such a way that trains will stop at a safe distance from any fouling movement or location.

II. Fixed signals will also be provided at the exit from interlocking areas.

III. Fixed signals may also be provided at the arrival and departure end of selected platforms.

IV. All depot tracks and any other tracks not equipped with Automatic Train Protection will be controlled by fixed signals for both entry and exit.

V. All single ended tracks shall be provided with at least on permanent Red aspect light to indicate the point beyond which train shall not proceed.

VI. Stopping markers shall be provided at all platforms to indicate where a train of a given length will stop for the convenient detraining and entraining of passengers. Where trains of varying lengths, may operate separate markers will be provided for trains of each potential length.

18. Working of signals and points.-

i. Control of signals and points will be from a route setting panel. Complete routes, points and signals, will be cleared by a signal operation under normal conditions.

ii. Any failure of vital equipments shall cause the signalling system to display a more restrictive indication.

iii. Any route which has been cleared for a train shall not be cancelled until it is cleared by the train entering the route except,-

(a) in case of emergency; and

(b) in case where operating conditions require that an alternate route be cleared. In this case the alternative route shall not be made available for clearance until the pre-set time has elapsed from the time the original route was blocked.

(iv) In conditions of failure of route setting controls, points can be set individually from Operations Control Centre, Station Control Room or locally as may be necessary.

19. Control of signaling.

19.1 (I) Main line signalling is controlled from an Operations Control Centre and operates normally under automatic control with routes being set and train intervals regulated by computer control.

(ii) The Traffic Controller shall be responsible for maintaining the services at the schedule level as far as practicable and for restoring the train services following a delay or disruption.

(iii) The Traffic Controller at the Operations Control Centre may adjust the timetable and may intervene manually to set and clear routes if the timetable needs to be varied or in the event of a major disruption.

(iv) The Traffic Controller, if required, may hand over control of the signals at specific station to the Station Controller and a local control panel shall be provided 'in the Station Control Room for this purpose. The hand over takes place automatically if there is a loss of control of individual locations from Operations Control Centre.

(v) The Traffic Controller shall have control of all routes on the main line outside of depots.

(vi) Train movement shall normally be under computer control but the Traffic Controller has the capability of setting routes manually and of setting individual points if necessary.

19.2 Safety Communication-

(i) All communication between Operations Control Center and Train Operators, Station Controller, maintenance staff of electrical, rolling stock, signal and telecommunication and track and structures department and others pertaining to movement of trains shall be tape-recorded and preserved for 'incident' analysis and training and the mode of preservation and it duration shall be the same as specified in special instructions.

(ii) Metro rail employees shall initiate and acknowledge radio messages in a manner that ensures establishment of communication only between intended parties.

(iii) Messages affecting train movements shall be addressed to only one train at a time. However, in an emergency, a blanket message may be sent to all trains in or approaching a particular area, which must be acknowledged individually by all concerned Train Operators.

19.3 Running lines-

(i) The Signalling system on the running line is a full Automatic Train Protection System.

(ii) If the speed which permits a train to stop under normal braking within a limit of safety is exceeded, an irrecoverable emergency brake application is automatically made. This ensures that· the train does not proceed beyond the safe limit.

(iii) Normal operation of the train is monitored from indication on the train operator's console and each main running line is duly signalled for operation.

(iv) Certain lines are equipped for Automatic Train Operation with provision for the Train Operator to assume manual control of the train if required.

(v) In the event of failure of the Automatic Train Operation equipment and on lines not so equipped, Train Operators will control their trains up to the speed indicated on the console.

(vi) Where no cab indication is available, trains shall be automatically restricted to a maximum speed of 25 km/h.

(vii) Fixed signals are provided at the entrance and exit to each interlocking area and at certain other locations.

19.4 (i) Station Controller's control panel has the capability of setting routes within the area of control, and of setting individual points when necessary.

(ii) On each platform there shall be an emergency Stop Plunger and in the Station Control Room a switch for each platform which when operated shall cause any approaching train to stop before it enters the platform. Any train entering, stationary in or leaving the platform shall experience a full irrecoverable emergency brake application.

19.5 (i) The depot tracks may not be equipped with full complement of Automatic Train Protection and trains shall be automatically restricted to a maximum speed of 25 km/h.

(ii) Movements within depots shall be controlled by either main line type fixed signals or of the position light type.

(iii) Control of movements within the depot shall be exercised by a Depot Controller from a manual control panel or work station within the depot.

(iv) The Depot Controller shall use a control panel for setting and clearing of routes within the depot.

(v) Instructions to Train Operators as to which siding they shall drive or give permission to depart shall be given by train radio on a dedicated depot channel distinct from that used by Operations Control Center.

(vi) In the event of the failure of the radio, a Public Address System may be used.

(vii) Both a verbal instruction and a proceed indication from the fixed signals shall be received before a train may move into a depot from main line and vice versa.

19.6 (i) Local operation of points on running lines as and when required may only be undertaken by a Station Controller with the permission of the Traffic Controller. The handle used to operate the points is interlocked with the Station Control Room Signal Control Panel, and its removal from the panel inhibits all other controls over the routes concerned. The Station Controller shall acknowledge such transfer of control before the Local Control can be activated.

(ii) Some points in depots are trailable, in the event of a route failure they need not be correctly set before a movement is authorised over them in the trailing direction. Non-trailable points shall be protected by fixed signals.

19.7 (i) All lines of the network are equipped with Automatic Train Operation. It Automatic Train Operation Mode, the acceleration, braking, observance of speed restrictions and observance of signal commands are undertaken automatically and the Train Operators shall close the train doors and start the train from a station and to monitor its functioning.

(ii) All trains are equipped with Automatic Train Protection equipment and can be driven manually under the control of the Automatic Train Protection System. Any over speed or failure to brake at the appropriate time results in an irrecoverable emergency brake application. The mode of operation shall be referred to as "Manual Cab Signal Mode".

(iii) If Automatic Train Protection information is not available from the track side equipment the train can be driven with Traffic Controller's permission in "Run On Sight" control. In this mode the on-board ATP Equipment restricts the speed of the train to 25 km/h. When Automatic Train Protection information is again available from the track, the mode automatically reverts to Coded Manual control.

(iv) If Automatic Train Protection information is not available from the track/Loco/Cab side equipment fault, or otherwise the train can be driven in "Restricted Manual" control with Traffic Controller's permission. In this mode the on-board Automatic 'Train Protection equipment restricts the speed of the train to 25 km/h. This mode is used in depots and exceptionally on running lines when authorised by these rules.

(v) If the on-board Automatic Train Protection equipment is defective, the train may be driven in "Cut Out" mode of control. When authorised by the Traffic Controller, the Train Operator may open and operate a sealed switch and drive the train without Automatic Train Protection and in this mode the Train Operator shall limit the speed of the train to '25 km/h and be responsible for safe movement of the train.

20. Train detained on line:

(1) If a train operating under Automatic Train Operation or cab Signals comes to a stop on a running line and does not receive a proceed code within 60 seconds, the Train Operator shall inform to the Traffic Controller by the radio and ask for instructions.

(2) The Traffic Controller shall check his indication and if he is satisfied that there is no train ahead, he may instruct the Train Operator to select Run On Sight Mode and to proceed exercising utmost vigilance so that he may stop short of any obstruction.

(3) If after travelling some distance, a proceed indication is received by the train, the train shall automatically revert to the Coded Manual Mode of control and the Train Operator shall again inform the Traffic Controller. He shall use this mode of control as far as the next station. If the train is fitted with Automatic Train Operation, this mode of control shall only be selected at the next station.

(4) If the cause of the problem is confirmed as a track side equipment malfunction, the Traffic Controller may instruct subsequent trains without waiting for the Train Operator to seek instructions provided the preceding train has passed through the affected section and repotted resumption of Manual Cab Signal Mode.

(5) If a train operating under the authority of line side signals only stops at a fixed signal at danger and it does not clear within 60 seconds the Train Operator shall inform to the Traffic Controller by the radio and ask for instructions.

(6) The Traffic Controller shall consult the concerned Station Controller in control of the signaling and decide whether or not the train may proceed.

(7) If there are no points in the route ahead, the Traffic Controller may instruct the Train Operator to proceed as far as the next fixed signal at a reduced speed such that he can stop short of any obstructions.

(8) If there are points in the route the Traffic Controller and the Station Controller shall examine the indication of the points and If indications at the station and the Operations Control Centre agree that all points are set correctly and locked the Traffic Controller may instruct the Train Operator to proceed as far as the next fixed signal at a reduced speed such that he can stop short of any obstruction.

(9) If points are not indicated as set and locked the Traffic Controller shall instruct the Station Controller to examine the points concerned. If they are lying in the wrong direction, he shall manually set the points with the handle from the Station Control Room. The points shall be secured with a clamp and padlock and the train instructed by hand signal to proceed.

21. Absence of cab signaling:

(1) Failure of the cab signaling shall initiate an irrecoverable emergency brake application.

(2) The Train Operator shall report the occurrence to the Traffic Can Controller and seek instructions.

(3) The Traffic Controller shall verify as far as practicable from his own diagram that the problem is not caused by a track side fault or another train and if no cause is apparent he shall instruct the Train Operator to select Run On Sight Mode and try to move.

(4) If the train does not move, the Traffic Controller shall authorise the Train Operator to select the Restricted Manual Mode and try to move.

(5) If the train still does not move, the Traffic Controller shall authorise the Train Operator to operate the "Cut Out" switch and to proceed in Cut Out Mode of control to the next station.

(6) At the next station, passengers shall be detrained and the train worked to depot or a suitable siding.

22. Failure of fixed signals.-

(1) If a Train Operator observes that a fixed signal is not displaying any aspect, he shall report the condition to the Traffic Controller.

(2) If cab signal indications are available, the train shall proceed according to these indications.

(3) If the train is operating without cab signal indications, the Train Operator shall stop the train at the signal and seek instructions from the Traffic Controller by radio.

(4) All concerned staffs shall then follow the provisions of sub-rules (6) to (9) of rule 20.

23. Failure of route setting.-

(1) If a route through an interlocking area cannot be set automatically or by manual control from the Operations Control Centre, the control of the area shall be passed to the local Station Control Room.

(2) If the route cannot be set from the Station Control Room signalling control panel, the Traffic Controller shall instruct the Train Operator to secure his train and await for instructions.

(3) The Traffic Controller and the Station Controller shall examine the indications for the points and if indications at the station and at Operations Control Centre agree that all points are set correctly and locked, the Traffic Controller may instruct the Train Operator to select Run On Sight Mode and proceed at reduced speed such that he can stop short of any obstruction. Once cab signals show a proceed indication, Manual Cab Signal Mode shall automatically be resumed and must be maintained as far as the next station. If the train is equipped with Automatic Train Operation, then the Automatic Train Operation control may be resumed at the next station.

(4) If any point indication is missing or shows the points set for the wrong direction, or there is a discrepancy between the indications at the station and in Operations Control Centre, the Station Controller shall examine the position of the points' himself. If they are lying in the wrong direction, he shall manually set the points with the handle from the Station Control Room. The points shall be secured with a clamp and padlock and the train instructed by hand signal to proceed. The Train Operator shall be instructed to resume Manual Cab Signal Mode and normal speed once a proceed indication is shown by the cab signalling.

(5) The Station Controller, after examining the position of the points under sub-rule (4), shall then return to the station and report to the Traffic Controller that the route remains secured and any subsequent train may be instructed by radio to proceed.

(6) In depot, the Depot Controller may instruct the Train Operator by radio to proceed if -

(a) point indications for all point in the route show the points to be set and locked in the correct direction;

(b) any points not showing an indication shall be traversed in the trailing direction.

(7) If points for which indications are not available have to be traversed in the facing direction, the Depot Controller shall set the points manually and secure them in the correct position with the clamp and padlock before authorizing the train to proceed.

CHAPTER - IV

WORKING OF TRAINS

24. General.-

(1) No person shall drive a train unless he is in possession of a valid Certificate of Competency issued by Authorized Officer.

(2) No Train Operator may be booked to work a train until he has learnt the road and signed a certificate that he is fully acquainted with it. For this purpose, he shall be booked for three round trips including one trip during night before being put to work the train independently.

(3) A Train Operator who has not worked on a section for 3 months or more should be given road learning trips to refresh his knowledge as under:

Duration of absence	***No. of road learning trips***
• 3-6 months	1 round trip
• over 6 months	3 round trips

(4) No train shall be driven on a running line from the rear cab except,-

(a) a locomotive working within an Engineer's Possession under the control of hand signals;

(b) in exceptional circumstances, when authorised by a official not below the grade of Operations Control Centre Traffic Controller and a look out shall be positioned at the leading end with the capacity to apply the emergency brake. The speed of the train shall be 10 km/h.

(5) In depot, the train shall be always driven from the leading cab in the direction of travel or otherwise the Train Operator in the rear cab shall be instructed by cab to cab telephone by a second qualified Train Operator in the leading end cab.

(6) In depot, where a part consists or damaged train cannot be driven from the leading end, a look out shall be posted at the leading end. The Train Operator shall have the means of sounding an audible warning and, if practicable, the means of applying the emergency brake.

(7) Each train while manned shall show two white lights to the front and two red lights to the rear in the direction of travel.

(8) A stationary train on a running line shall be secured and shall show two red lights at each end of the train.

(9) A train stabled in a depot or siding shall show at least one red light at each end at a double ended siding and at the outermost end in the dead end siding.

25. Service regularity.-

(1) Every effort shall be made by Operations Control staff, station staff and train staff to ensure that scheduled intervals between trains are maintained.

(2) Each Train Operator shall start his train from terminal station as soon as he gets the 'Departure Order Indication'.

(3) Each Train Operator shall start his train each intermediate station at the time indicated by the 'Departure Order Indication'.

(4) Each Train Operator shall follow any instruction from the Traffic Controller which varies the scheduled timings of his train.

(5) Each Train Operator shall be supplied a copy of the current working timetable applicable to the line on which he is working and he shall be in possession of such time table while on duty.

26. Speed of trains.-

(1) Every train shall be run on each line of metro rail within the limits of speed as specified in the special instructions.

(2) The speed of the trains in Automatic Train Operation Mode shall be automatically controlled by the Continuous Automatic Train Control System.

(3) In Automatic Train Protection Mode, the Train Operator, shall regulate the speed of trains according to the cab signals, the maximum permissible speed shall not be exceeded and the speed of the train shall

be such that it can be stopped within the distance indicated, as being the limit of safety. Failure to do so shall result in irrecoverable application of emergency brakes. This shall be viewed as a failure on the part of the Train Operator.

27. Caution Order.-

(1) Whenever in consequence of the track or overhead equipment being under repair, or for any other reason, special precautions are 'necessary, a Caution Order detailing the kilometres between which such precautions are necessary, the reason for taking such precautions and the speed at which the train shall travel, shall be handed over to the Train Operator at the stopping station short of the place where such precautions are necessary or at such other stations or work place and in such a manner as specified under special instructions.

(2) Train Operators, not in passenger service, shall reduce speed of their trains to 20 km/h when passing through station platforms during the period of revenue operation. An audible warning shall be sounded while entering the platform.

28. Train staffing.-

(1) (a) Each train shall be manned by only one Train Operator.

(b) No person is allowed to travel in the Train Operator's cab, except a cab authorised trainee or apprentice Train Operator, a driving inspector and other authorised person as laid down in special instructions.

(2) Each Train Operator shall, at all times when on duty, be in possession of-

(a) 'a Train Operators' handbook containing the General Rules and Special instructions and the .operating and trouble shooting procedures for the train;

(b) the current Working Timetable for the line;

(c) two pairs of such spectacles he is required to wear under medical advice;

(d) a hand lamp capable of showing red, green and white aspects;

(e) a watch; and

(f) a First Aid Box.

(3) Each Train Operator when reporting for duty shall examine any notices issued for his guidance and in particular those which require his special attention on the specific day and line.

(4) In the event of a Train Operator becoming incapacitated while driving a train, he shall, if capable, inform the Traffic Controller who shall inform the Station Controller at the next station.

(5) If the train is under Automatic Train Operation control it shall arrive at the next station under automatic control and the Train Operator may be relieved at that station for medical attention.

(6) Working of the train shall be taken over by the Station Controller until such time as another Train Operator is made available. Senior most booking clerk qualified in the duties of Station Controller shall be in charge of the station during the absence of Station Controller.

(7) If the train is under manual control, it may get stopped between stations. In this case the Station Controller at the station in rear of the train shall board the following train, instruct the Train Operator to select Restricted Manual control and proceed to the rear of the stalled train.

(8) The Station Controller shall then instruct the Train Operator to close down his driving position and secure the train and leave it in that condition until further instructed by the Traffic Controller.

(9) The Station Controller shall then board the stalled train, go to the leading cab and drive the train to the next station where the Train Operator may be relieved for medical attention. On arrival at the next station, the Traffic Controller shall be informed that the following train may now be authorised to resume normal working.

(10) The Station Controller shall continue to drive the train until such time when another Train Operator shall be made available. Once relieved by a Train Operator, the Station Controller shall return to his station as speedily as practicable.

29. Train defects.-

(1) No train with defective safety equipments, cab signalling, leading cab controls, interior lighting, brakes or doors shall remain in passenger service and shall be removed to depot and replaced by a serviceable train at the earliest opportunity.

(2) (i) If traction power is lost on any car, the train need not be withdrawn from service. If power is lost on more than one car and the reduction in speed causes delay to following trains, the passengers shall be

detrained at a station and the train worked empty. Otherwise the train may remain in passenger service until it can be replaced by a serviceable train.

(ii) In the event of a mechanical defect in the traction motor or drive which causes the wheels to lock, the train shall be stopped immediately and shall not be moved until clearance has been given by a Rolling Stock Supervisor.

(iii) If a Train Operator finds that the train cannot be driven or braked from the leading end cab, passengers shall be detrained as per the provisions referred in clauses (iv) and (v) of this sub-rule.

(iv) Such an occurrence may usually happen at a station and a terminal in which case the passenger shall be discharged at the station itself. To dispatch the train to the depot, the Station Controller shall board the train and act as look out in the leading cab while the Train Operator drives from the rear cab in Restricted Manual control. Information on signals and cleared routes shall be passed by cab to cab telephone and train speed restricted to 10 km/h.

(v) In the unlikely event that the defect causes a train to stop between stations, the Station Controller from the station in the rear shall give assistance using the procedure described in sub-rule (7) to sub-rule (10) of rule 28 to gain access to the train.

(3) (i) A failure of the traction control line shall be indicated on the Train Integrated Management System panel. In the majority of cases, the Train Integrated Management Systems shall enable the fault to be isolated and only in the case of simultaneous failure of redundant equipment shall the train be rendered inoperative.

(ii) When such failure of the traction control happens on a running line, the Train Operator shall inform the Traffic Controller that his train is stalled and requires assistance to move.

(iii) The train shall be dealt with in accordance with rule 45.

(4) (i) Failure of brakes to apply or to release shall be indicated on the Train Integrated Management System panel. If brakes on any cars, up to a maximum of 50% fail to apply, passengers must be detrained at the next station and the train worked to depot at a speed not exceeding 25 km/h.

(ii) If brakes fail to apply on more than 50% of the cars, the train shall be brought to a stop as soon as possible by application of the emergency brake and shall not proceed until authorised by a competent person from the Rolling Stock maintenance department.

(iii) If brakes fail to release on any cars, up to maximum of 50% the brakes shall be isolated on the affected cars, the brakes released by Local Control, passengers shall be detrained at the next station and the train worked to depot at a speed not exceeding 25 km/h.

(iv) If brakes fail to release on more than 50% of the cars, no attempt shall be made to move the train until authorised by a competent person. from the Rolling Stock Maintenance Department.

(5) (i) If doors on a train are not indicated as "closed", the train shall not start from a station. If doors cannot be closed by hand or there is no obviously open door and the "doors closed" indication is still not received, passengers shall be detrained and the train shall be worked empty until it can receive attention from the Rolling Stock Maintenance Department.

(ii) If some doors of train do not open at stations but after closing the doors all doors are indicated as closed, the train may remain in passenger service. In peak period the extended dwell times at stations that could result from some doors not opening may make it desirable for the train to be withdrawn from service to avoid delaying the following trains.

(6) Failure of an air-conditioning unit shall be indicated on the Train Integrated Management System panel. Although it has no effect on the safe operation of the train, Train Operator shall report such failure to Operations Control Centre, so that the rake receives prompt attention to relieve hardship to passengers.

(7) (i) Failure of main car lighting on one or two cars shall be reported by the Train Operator to Operations Control Centre and the train may continue in passenger service to the end of its trip provided the emergency lighting is working satisfactorily and at the terminal it shall be withdrawn from service or replaced by a good train.

(ii) If all main training lightings fail or main lighting and emergency lighting both fail, on the same car, passengers shall be detrained at the next station and the rake withdrawn from service.

30. Examination of trains.-

(1) Each train shall be examined by a competent person from the Rolling Stock Maintenance Department before being offered for passenger service.

(2) This examination shall ensure that all functions of the working correctly and in particular safety devices, such as –

(i) Cab signalling

(ii) Safety brake circuits

(iii) Train/Depot Control Centre/Operations Control Centre radio

(iv) Head and tail lights

(v) Train Integrated Management System Display Panel

(vi) Brake gears

(vii) Isolating cock ties intact

(viii) Miniature Circuit Breaker and Safety Switch seals intact; and

(ix) Any other item specified under special instructions.

(3) The competent staff shall sign a certificate of safety test indicating duration of its validity, which shall remain in the leading cab in the direction of departure.

(4) The Train Operator who runs the train from the depot shall check that the certificate is up-to-date and currently valid before moving the train and he shall also check the head lights, the tail lights, the marker lights and the speedometer of the train.

31. Duties of a Train Operator.-

(1) The Train Operator shall pay immediate attention and obey every signal and shall always be vigilant and cautious and keep a sharp look out.

(2) When a Train Operator not working under Automatic Train Protection Cab Signals, when approaching a fixed signal at 'on' or 'defective', he shall not pass a fixed signal that refers to his train, when it is 'on' or 'defective', unless after bringing his train to a stop, he is either given a written authority by the Station Controller to proceed past such signal or is authorised by Operations Control Center Traffic Controller on train radio in accordance with special instructions.

(3) The Train Operator shall not operate the train at higher than the maximum authorised speed.

(4) Train Operators shall be alert for changing rail conditions and shall exercise extra care when operating in areas which may be affected by grease, oil, water or other substance, which could cause running rails to become slippery and shall adjust their speeds accordingly.

(5) When closing the train doors, the Train Operator shall observe the platform end, as far as practicable, prevent the closing doors from striking boarding passengers.

(6) If the doors are obstructed or the "doors closed" indication is not received, the Train Operator shall reopen the doors and close them again till the “door closed” sign comes.

(7) In trains operating under Automatic Train Operation Control, the Train Operator shall start the train after closing the doors. All further progress to the next station and the opening of doors there takes place automatically. The train operator shall monitor his console.

(8) In trains not operating under Automatic Train Operation control, the Train Operator shall drive the train, observing and obeying cab signals, to the next station and shall stop the train at the appropriate stopping mark. Doors of the train shall not be opened until the train has come to a complete stop.

(9) If a train stops short of its proper stopping place, even in Automatic Train Operation control, the Train Operator shall manually drive the train to its proper stopping place before opening the doors.

(10) If a train stops beyond its normal stopping place but with the doors still on the platform, the doors may be opened manually and passengers allowed to alight and board.

(11) If a train stops beyond the end of the platform, the Train Operator shall seek instruction from the Traffic Controller. If the Traffic Controller can prevent the following train from approaching the platform by using the Signalling controls, he may do so and then authorise the train at the platform to reverse until all doors are at the platform. Otherwise, an announcement shall be made to the passengers and the train may proceed to the next station without opening the doors. If the train is the last train of the day, passengers may be allowed to disembark from the train by opening selected doors by the exterior emergency doors control.

(12) If a passenger emergency alarm is operated in the train, the Train Operator shall try to establish voice communication with the location by intercom or public address. The Train Operator shall try to establish the reason for the operation of alarm but, unless there is a clear and immediate danger to the train and its passengers, he shall continue to the next station before taking any action. Train operator shall inform on radio the traffic controller in the OCC and station controller of the station at which the train stops about operation of passenger emergency alarm.

32. Locomotives, works trains and maintenance vehicles. –

(1) Locomotives, works trains, and self-propelled maintenance vehicles equipped with Automatic Train Protection equipment shall be worked as per all relevant rules made under the Act, for operation on main lines and in depots as for passenger trains.

2) The Train Operator of a self-propelled maintenance vehicle which is permitted to operate on running lines shall hold a Certificate of Competency as a Train Operator or to be accompanied by a person holding certificate of competency. In the latter case, the person holding the certificate of competency is responsible for the observance of these rules in respect of the operation of the vehicle.

(3) Before departing from depot, or from a work site where the train has been uncoupled, the Train Operator of the leading locomotive shall -

(a) ensure that the train is fully coupled;

(b) carry out a continuity test of the automatic brake; and

(c) verify that all handbrakes have been released.

(4) Subject to sub-rule (2) of rule 32, the Train Operator of a locomotive works train or self-propelled maintenance vehicles, shall possess at all times, when on duty -

(a) a hand lamp capable of showing a red, green and white aspect; and

(b) any special notices relating to the working of works trains.

(5) Any unpowered vehicles, stationed on a siding or on the running line, shall be secured by the application of sufficient number of hand brakes unless coupled to a locomotive.

(6) Any such vehicle or group of vehicles shall have a lamp attached to the outermost vehicle displaying a red aspect in the direction of approaching trains and on a running line such lamps shall be placed at both the ends of the vehicle or group of vehicles.

(7) Any self-propelled maintenance vehicle which is not fitted with Automatic Train Protection equipment shall be taken on running line only if -

(a) it is coupled to a locomotive or other vehicle which is so equipped; and

(b) it is working within the limits of an Engineer's Possession.

(8) Shunting of vehicles to make or break works train consists shall only take place in designated depot areas.

(9) Fly shunting of any vehicles is expressly prohibited at any time.

Note. - A 'Fly shunt' is made when two vehicles are sent forward unattached either together or one immediately after the other and placed on different lines necessitating the points being reversed after the passage of the leading vehicle.

CHAPTER - V

CONTROL AND WORKING OF STATIONS

33. Responsibilities of Station Controller.-Each Station Controller shall -

(i) open the station ten minutes before the advertised time of the first train;

(ii) carry out an inspection of the station premises, at the start of his duty period recording any defects or irregularities found and reporting the same to authorities concerned including the Operations Control Centre for prompt rectification;

(iii) be responsible for the supervision of passenger flows, and the provision of adequate barriers and escalator services, ensuring that all staff render prompt assistance to passengers;

(iv) be responsible for reporting any defect and failure of equipment on the station to the appropriate maintenance department;

(v) be responsible for the training of station staff in local rules and conditions, for monitoring of their performance, discipline and administration;

(vi) observe the departure of last train and at interchange station shall supervise the interchange of passengers between last advertised connecting trains and shall inform the Traffic Controller when all interchange has been completed and the last train may depart;

(vii) inspect the station after the departure of train to ensure that no unauthorised person remain on the premises and then lock all entrances; and

(viii) be responsible for keeping a log book which details occurrences on the station which shall include among either things, timings and reports of inspections, timings and location of maintenance activities, complaints or requests from passengers, instructions from the Traffic Controller, periods of local control of signalling and unusual incidents, etc.

34. ***Responsibilities of Platform Supervisor***.- The Platform Supervisor, where provided, shall-

(i) monitor the boarding and alighting of passengers and alert to observe any accident and report each to the Station Controller; and

(ii) when a dangerous situation arises such as passenger falling on the track, operate the Emergency Stop Plunger to stop any train on or approaching the platform and report his action to the Station Controller.

35. ***Responsibility of booking office staff***.-

(1) The booking office staff shall -

(i) be responsible for the sale of tickets at ticket windows and by self-service machines, where provided;

(ii) sell tickets for the prices in the current fare table and render exact change as may be required;

(iii) account for all tickets sold and all cash taken in accordance with instructions issued from time to time;

(iv) keep large amounts of cash at their points of sale. Only such cash as is necessary for change giving may be kept. The surplus shall be kept in a locked safe or other secure storage;

(v) be responsible for ensuring that self-service ticket vending machines, if provided are adequately stocked with tickets and that cash is regularly removed from the machines to secure storage;

(vi) be responsible for reporting malfunctions or irregularities in the operation of ticket issuing equipment to the maintenance department; and

(vii) assist the passengers during crowd control and emergency evacuation procedure.

(2) The senior booking office staff shall -

(i) be responsible for the accurate accounting for tickets sold and cash received; and

(ii) be required to assist or deputise for the Station Controller when circumstances demand.

36. ***Security***.-(1)

(i) Stations shall be opened for access to the public 10 minutes before the advertised time of departure for the first train until all the passengers have left the station after the arrival of the last train. At all other times the stations shall be secured against unauthorized entry.

(ii) At a location near the Station Control Room, a key to a designated emergency exit shall be provided in a sealed glass box. This key is for the use of maintenance staff in the event of emergency during non-traffic hours. The emergency key box shall be inspected each morning by the Station Controller and use of the key shall be reported to the Security Controller who shall arrange for the box to be secured again.

(iii) The emergency exits, wherever provided, may also be used for passenger evacuation in emergency, if required.

(2) All equipment rooms shall be kept locked at all times when access is not required. When these rooms are accessed by authorised person, such person shall be responsible for ensuring that no unauthorised person is permitted access.

(3) (i) All areas not required for the passage of passengers at the stations shall be secured against unauthorised access.

(ii) Booking offices and other places where items of value such as tickets and cash are kept shall be kept locked at all times. Within such areas, tickets and other items of value shall be kept in locked cupboards.

(iii) Cash shall be kept in a locked safe and only such amounts as are to provide change for ticket sales may be retained at the point of sale.

(iv) Transfer of cash outside of the secure area shall only be undertaken during quiet periods.

37. ***Station Working Orders***.-

(1) In addition to the General Rules and specific instructions of the metro rail, each station shall be provided with the Station Working Orders applicable to the station giving details of--

(a) the location of equipments and guidelines for their use;

(b) the emergency evacuation routes at station and with adjoining block section;

(c) the designated entrance for attendance by police, fire and ambulance vehicle;

(d) the designated entry for fire services; and

(e) list of medical facilities locally available.

(2) Copies of these Station Working Orders shall be issued to each Station Controller who is required to work at the particular station.

(3) A copy of these Working Orders shall be kept in a special marked binder in a conspicuous place in the Station Control Room.

38. *Prevention of overcrowding*.-

(1) if a service delay or other incident causes a buildup of passengers on a platform, the Station Controller shall decide when that build up is likely to be unmanageable.

(2) when any situation referred to in sub-rule (1) arises, the Station Controller shall reduce the flow of passengers to the platform by--

(a) making a warning announcement and stopping some or all of the inwards escalators;

(b) switching out some or all of the inward Automatic Fare Collection (AFC) barriers; and

(c) instructing the ticket sales staff to cease selling tickets.

(3) If despite all measures taken, overcrowding develops in the concourse; passengers shall be advised to leave the station and the station entrances may need to be closed.

(4) When train services are restored, the restrictive measures may be progressively or completely removed depending upon the level of train services available.

39. *Emergency evacuation*.-

(1) The Station Controller shall control the evacuation from the Station Control Room in the event of evacuation of the station becoming necessary as the result of cessation of train services, risk of fire or other emergency—

(a) all Automatic Fare Collection barriers shall be set to open freely in the exit direction and the station staff deployed to assist in passenger evacuation;

(b) information and instruction shall be passed to the public by Public Address System and where available, visual displays;

(c) all inwards escalators shall be stopped and used as fixed stairways in the outwards direction;

(d) all ticket sales shall be suspended and the staff used to assist in passenger evacuation; and

(e) all station exits shall be opened.

(2) Station staff shall verify that each area of the station has been evacuated and when areas are verified as clear of passengers, the staff shall leave the station and secure it unless otherwise instructed by the Traffic Controller.

(3) If fire or smoke is present, passengers shall, as far as practicable, be instructed to use exit routes that avoid contaminated area.

(4) If the fire is in the station, the Traffic Controller shall be informed so that he can instruct Train Operators not to stop the train at the station.

(5) If the extent of fire in a station is so extensive that the trains should not approach the station, the station Controller shall inform the Traffic Controller to instruct the trains coming towards the affected station to stop at the previous stations for evacuating the passengers there. This should prevail till normalcy is restored to the affected station.

(6) If the fire is at the concourse level of the station, the train may be stopped to allow passengers to board only, as means of evacuating the passengers more quickly and Train Operators shall make announcements in their trains to inform passengers not to get down from the train at affected station.

40. *Supervision of train movements*.-

(1) When the station control panel is not operative and control is being exercised from the Operation Control Centre, Station Controller shall observe the passage of trains and Be alert to take action if the train service is in any way disrupted.

(2) Any failure of any indication on the panel or work station shall be reported immediately to the Traffic Controller.

(3) Control of the panel may only be taken with the permission of Traffic Controller Operation of individual routes and points shall be carried out as per the Traffic Controller's instructions.

41. *Class of station*.-The stations in metro rail are classified as

(a) terminal stations; or

(b) inter-locked stations having points and crossings, fixed signals, and siding etc.; or

(c) other intermediate stations not having points and crossings (with or without fixed signals); or

(d) any other class as specified in special instructions.

CHAPTER - VI

ACCIDENT AND UNUSUAL OCCURRENCES

42. *Report of the accident and unusual occurrences*.-

(1) The accident and incident shall be reported by metro rail employee to the concerned or any other person who notices it with utmost expediency to the Traffic Controller or the nearest Station Controller as soon as practicable.

(2) On receipt of a report under sub-rule (1), the Station Controller shall inform the Traffic Controller and vice versa.

43. *Duties of the station staff.-*

(1) On receipt of a report of an incident, accident or emergency, as the case may be, under sub-rule (1) of rule 42 the Traffic Controller shall first ascertain the extent of injury to passengers and others and take prompt action to prevent further injuries and he shall also assess the potential effect on the train services and then all reasonable measures to maintain the train services, prevent delay or damage to property and equipment.

(2) In case of suicide, Train services are to be interrupted for a while. The Station Controller shall request the Traffic Controller for a suspension of Train services in the required direction after personally assessing the situation. He shall then inform Police and Fire Services about it. The body should be extracted by Fire Service people after a preliminary examination by Police. The Traffic Controller shall, in the meantime, alert the coach maintenance staff to be in readiness to render necessary help in extricating the body. He shall arrange for the replacement of the Driver of the affected train. The train should be evacuated and taken to the nearest depot after extrication of the body, if desired by the Police for further investigation. Otherwise normal services should be resumed.

(3) If the incident is an emergency, the Traffic Controller shall report it to the Chief Controller and the Chief Controller shall arrange for the assistance of the Metro rails' emergency response staff and where necessary, the assistance of Police, Fire and Ambulance services.

(4) The Traffic Controller shall keep a log of all reports and requests received action taken and other relevant information obtained or distributed.

(5) A Station Controller, in the event of an accident at his station, shall take measures to prevent the situation becoming worse, render First Aid if possible arrange for the injured to be hospitalized and inform the Traffic Controller for outside help.

(6) If the accident is an emergency, the Station Controller shall evacuate the area concerned and take measures to prevent access to the area other than by the emergency services and in extreme cases, the station may be closed and the Traffic Controller requested to arrange for trains to pass the station without stopping.

(7) A full record of events and actions shall be entered in the Station Log.

(8) All staff shall deal with accidents and emergencies expeditiously and with the following priorities:--

(a) save life, prevent further injury, and alleviate suffering;

(b) protect Metro rail property and equipment;

(c) take steps for preservation of clues;

(d) inform the public of the effect on train services and the availability of alternative transport facilities;

(e) restore the safe operation of the train services as quickly as practicable; and

(f) restore normal services.

44. *Train stopped between stations.-*

(1) (i) If a Train Operator cannot isolate a defect on his train and is unable to move it under its own power, he can secure the train and request the Traffic Controller for assistance.

(ii) The Traffic Controller shall instruct the Train Operator of the following train to drive as close to the stalled train as possible under Coded Manual Control. At the limit of authority under cab signalling, the 'Traffic Controller' shall instruct the Train Operator of the assisting train to change to Restricted Manual Control and to proceed at reduced speed and stop ten meters short of the stalled train.

(iii) The Traffic Controller shall instruct the Train Operator of the defective train to secure his train and then instruct the Train Operator of the assisting train to couple to the defective train by mechanical means only and to isolate all electrical connections to the defective train.

(iv) Once the trains are confirmed as coupled, the Traffic Controller shall instruct the Train Operator of the defective train to release the brake of his train.

(v) The Train Controller shall then authorize the Train Operator of the assisting train to drive forward at restricted speed exchanging communication with the Train Operator of the defective train in the lead cab, until the defective train is at the platform of the next station. Passengers shall be detrained from the defective train. The combined consist shall then be moved forward until the assisting train is at the platform. All passengers shall be detrained from that train.

(vi) The train shall be worked as a combined consist to depot in Restricted Manual Mode with leading and intermediate Train Operators exchanging communication on cab to cab telephone.

(2) (i) If traction power is lost, all trains shall coast as far as the momentum of the train and the signalling system permit. The objective is to get every train to a platform where passengers can be detrained if the incident is likely to be prolonged.

(ii) If traction power has not been restored within 15 minutes, passengers shall be detrained from all trains at stations, and the process of detraining any trains stopped between station shall be initiated.

(3) (i) If a train cannot be moved as a result of derailment or other mechanical failure, passengers shall be evacuated as soon as practicable.

(ii) The Train Operator of the stalled train shall secure the train and inform the Traffic Controller that he is unable to move his train and the Traffic Controller shall decide the most appropriate method of evacuation taking into account proximity of stations, availability of trains and other local conditions and advise the Train Operator the direction from which assistance is to be provided and inform the Station Controller at the station to which passengers shall be evacuated.

(iii) If a train cannot be moved as a result of derailment or other mechanical failure, the following methods of evacuation shall be followed, namely:

(a) evacuation to a train on the same track; or

(b) evacuation to a train on an adjacent track; or

(c) evacuation on foot to the nearest station.

(iv) Passengers shall be detrained from the assisting train and the Traffic Controller shall instruct the Train Operator to select Restricted Manual Mode and drive at not more than 25 km/h and to stop at least 10 metres from the stalled train.

(v) The Train Operator shall report to Operation Control Centre when he has reached this location and the Traffic Controller shall then instruct him to move his train and stop it 10 metres short of the stalled train.

(vi) The Train Operator of the assisting train shall secure his train and open the end door at the leading end and the Train Operator of the stalled train shall open the corresponding door on his train and the two Train Operators shall assist passenger to shift from the stalled train to the assisting train.

(vii) When all passengers have been transferred, the end doors of both trains shall be closed and secured.

(viii) The Train Operator of the stalled train shall remain with his train and the Train Operator of the assisting train shall move to the other cab and report to the Traffic Controller that all passengers have been transferred and that his train is ready to move.

(ix) The Traffic Controller shall instruct the Train Operator to select Restricted Manual control and drive the train to the station from which he came where passengers can be detrained.

(x) On open sections and in double track tunnels, if assistance cannot easily be given by a train on the same track, a train on the adjacent track may be used.

(xi) On receipt of a request for assistance, the Traffic Controller shall inform the Station Controllers at the station on the either side of the location of the incident.

(xii) Passengers shall be detrained from a train at the preceding station in the normal direction of travel on the adjacent line.

(xiii) The Traffic Controller shall instruct the Train Operator to select Manual Cab Signal Mode and to drive his train to a point, ten metres from the front of the stalled train.

(xiv) The Train Operator of the assisting train shall secure his train and deploy the ramp or step ladder at the leading end of his train and report completion to the Traffic Controller.

(xv) The Traffic Controller shall then instruct the Train Operator of the stalled train to deploy the ramp or step ladder at the front of the train.

(xvi) The two Train Operators shall then supervise the transfer of passengers via the ramps or step ladders and the track from the stalled train to the assisting train taking particular care to inform passengers of the dangers of tripping on rails and other equipment.

(xvii) Once all passengers have been transferred, the ramps or step ladders shall be replaced and secured and completion reported to the Traffic Controller by the Train Operator of the assisting train.

(xviii) The Train Operator of the stalled train shall remain with his train.

(xix) The Traffic Controller shall then authorize the assisting train to proceed to the next station where normal service may be resumed.

(xx) If a train does not move as a result of derailment or other mechanical failure, passengers shall be detrained and action taken to evacuate them on foot to the nearest station.

(xxi) The Traffic Controller shall decide to which station passengers are to be evacuated, this shall normally be the nearest station but other factors, such as the location of the trains, ventilation consideration in tunnel sections and any damage to track, train or structures may make it desirable to use an alternative station.

(xxii) The Traffic Controller shall inform the Station Controller at the station designated to receive the passengers and the Station Controller shall clear the platform concerned of waiting passengers and, if necessary, stop incoming passengers, and if a tunnel section is involved, he shall switch on tunnel lighting and he shall position himself and his security staff on the platform to receive the arriving passengers.

(xxiii) The Station Controller shall prepare to render assistance or First Aid to any passenger who may have had difficulty or accident during the evacuation.

(xxiv) On open sections and in double track tunnels, the Traffic Controller shall arrange for traffic to be suspended on the adjacent track for the duration of the evacuation.

(xxv) The Traffic Controller shall verify with the Train Operator that the train has been secured and then instruct him to deploy the ramp or step ladder at the end of the train nearest to the designated station.

(xxvi) Passengers shall be informed of the procedure to be followed and given explicit warning on tripping hazards, where to walk and what to expect at the station.

(xxvii) Passengers shall be detrained on the track by the Train Operator and directed to the station and the Train Operator shall count passengers as they leave the train.

(xxviii) The Station Controller shall count the passengers as they arrive at the platform.

(xxix) The Train Operator shall ensure that the last passenger to leave the train and check that all passengers have left the track.

(xxx) The Train Operator and Station Controller shall check each respective counts of passenger numbers and satisfy themselves that all passengers have reached the platform and thereafter the Train Operator shall then return to his train and replace and secure the ramp.

(xxxi) The Station Controller shall record in the Station Log the details of the incident, and, in particular, the number of passengers detrained, and the report the statistics to the Traffic Controller.

45. Train divided.-

(l) If a train is stopped by an irrevocable emergency brake application and cab signalling indications are normal, the Train Operator shall examine the Train Integrated Management System panel to ascertain the cause. If indication of faults in multiple circuits affecting the whole train or rear cars of the train are present, the train shall not be moved until, it has been verified that the train is complete and coupled.

(2) After the verification about complete arrival of train is completed under sub-rule (1), the Traffic Controller may authorize the Train Operator to make appropriate isolations and proceed.

(3) If the train is found to have divided, the Train Operator shall first satisfy himself that no passenger has been injured or has failed from the train.

(4) Passengers shall be cleared of the open ends of the train and the train recoupled.

(5) Once the Train Operator has successfully recoupled the train, he shall return to the leading cab, report the circumstances to the Traffic Controller and seek permission to proceed to the next station.

(6) The train shall be withdrawn from passenger service and worked to depot for investigation of the incident.

(7) If train cannot be recoupled, the Train Operator shall inform the Traffic Controller and the Traffic Controller shall then inform the Station Controller at the previous station to detrain passengers from the following train and use it to go to the site and take a member of the security staff with him.

(8) The Train Operator of the following train shall drive his train in Manual Cab Signal Mode as far as the Signalling permits and the Station Controller and the security staff shall then leave the train from the front and board the divided train.

(9) The security staff shall be positioned at the rear of the front portion of the train and the Train Operator shall return to the leading cab, make the necessary isolation and seek permission from the Traffic Controller to proceed.

(10) The Traffic Controller shall instruct the Train Operator to proceed at a speed not to exceed 10 km/h as far as the next station and to stop at the far end of the platform.

(11) The Assisting Station Controller shall then drive the rear portion of the train from the shunting position and the train shall be driven to the next station at a speed not to exceed 10 km/h.

(12) On arrival of the train at the station, passengers shall be detrained.

(13) The two portions of the train shall then be worked under normal Restricted Manual control to the nearest depot or siding.

(14) The assisting train shall proceed once the cab Signalling displays a proceed code and shall entrain passengers at the next station and resume normal working.

46. Unusual occurrences.-

(1) All metro employees shall be conversant with the location and use of fire alarms and firefighting equipment at their place of work.

(2) All metro rail employees observing the smoke or fire shall raise the alarm by means of the equipment provided or by informing the Station Controller and Traffic Controller as may be most appropriate and expeditious.

(3) If smoke or fire is reported on a train between stations, the Train Operator shall inform the Traffic Controller, drive his train to the next station and detrain passengers. Traction power shall then be switched off, and the pantographs of the affected train lowered before traction power is restored to other trains.

(4) If the fire on a train or on the track causes a train to stop between the stations, passengers shall be evacuated as per the provisions specified in clauses (xxi) to (xxxi) of sub-rule (3) of rule 44.

(5) If the incident occurs in a tunnel, the Traffic Controller shall arrange with the Auxiliary Systems Controller for the ventilation system to supply fresh air to the chosen route for evacuation before authorizing detrainment of passengers.

(6) If the fire alarm on a station is actuated or a verbal report is received of smoke or fire on the station, the Station Controller shall inform the Traffic Controller and then verify for himself by Closed Circuit Television or actual inspection whether or not the alarm is genuine.

(7) If smoke or fire is present, the Station Controller shall inform the Traffic Controller and arrange for passengers to be evacuated from the area concerned preventing further access. If necessary, the station may be completely evacuated and the Traffic Controller may be requested to arrange for trains not to stop.

(8) The Traffic Controller shall inform the Chief Controller who shall arrange for the attendance and assistance of the Fire Fighting Services and if necessary the Ambulance Services.

(9) If a Train Operator or Station Controller observes a fire in adjacent premises that could affect the property of the metro rail, he shall report the circumstances to the Traffic Controller. The Traffic Controller shall inform the Chief Controller and the Security Controller and maintain normal services unless or until a local inspection confirms that a potential danger exists.

47. Flooding.-

(1) Any Train Operator or Station Controller or the other member of the staff who observes water accumulating', on the, track shall report to the Traffic Controller giving as much detail as possible with respect to location, distance of track affected, level of water with respect to the rail.

(2) The Traffic Controller shall inform all trains required to pass through the area and requests reports of the state of the water level and, if the water level is below the level of the rail fastenings, the Traffic Controller shall instruct the Train Operator to reduce the speed of their' trains to 25 km/h when passing through the affected area.

(3) If the, water level rises above rail fastenings, passenger train service shall only by permitted under special instructions.

48. Other unsafe conditions.-

(1) All metro rail employees, and, in particular, Train Operators and Station Controllers shall keep a' look out for unsafe conditions on or in the vicinity of the rail track which are as follows:-

(a) damaged or dislodged fixed equipment within the rail right of way;

(b) broken or buckled rails;

(c) displaced or damaged overhead traction power conductors;

(d) construction activities adjacent to the ,track including use of cranes which can swing over the track;

(e) road accidents which might cause or have caused damage to bridges and viaducts;

(f) road accidents which might cause or have caused vehicles or their loads to encroach on the rail right of way; and

(g) any other obstruction on the track.

(2) If the Train Operator observes any unsafe condition, he shall report to the Traffic Controller immediately so that action can be taken to minimize the effect and remove the cause.

(3) In the event of a significant earthquake, the Traffic Controller shall instruct all trains to stop immediately and after such earthquake subsided, the Traffic Controller may instruct each stranded Train Operator to proceed in Restricted Manual Mode at walking speed after examining that the track is safe for train movement and free from obstructions up to the next station, provided that in such event, the normal operation of trains may be resumed if all the track and structures are examined and found to be in safe condition.

49. Accidents.-

(1) In case of accidents, arrangements for medical aid, evacuation of sick, injured passengers, access for ambulance, staff and vehicles shall be made and included as per the provisions specified in special instructions.

(2) In the event of serious accident, the Chief Controller may, in consultation with senior management, declare the situation an emergency, as per the provisions specified in special instructions.

(3) A senior member of the management shall be appointed as an emergency officer and shall set up an emergency control either at Operation Control Centre or at the site depending on the nature of the occurrence.

(4) The emergency officer shall be in overall charge of all the metro rail's resources of staff and materials for the handling of the emergency and the coordinator between the metro rail and external emergency agencies such as Fire, Ambulance and Police and Utility services.

CHAPTER - VII

SYSTEMS OF WORKING

50. Continuous Automatic Train Control System.-

(1) The Continuous Automatic Train Control System of working shall he adopted on Bangalore metro rail for movement of trains between stations and between depot and the main line.

(2) The Continuous Automatic Train Control System works on the principle of target speed and target distance with cab Signalling by means of continuous transmission from track to train through track circuits, ensuring safe movement of all trains under all operating conditions by continuously generating a safe operating envelope defined by the Limit of Movement Authority and the Maximum Safe Speed.

(3) The Limit of Movement Authority shall be the farthest point to which the train may safely proceed taking into account margins for error in speed and distance measurement, calculating braking distances and equipment reaction times.

(4) The Maximum Safe Speed shall be the maximum speed at which the train is permitted to travel without intervention by the Train Control and Signalling System and it shall be continuously calculated in such a manner that permanent speed restrictions, the speed limits for the type of train and temporary speed restrictions shall not be exceeded and the train shall always stop without passing the Limit of Movement Authority.

(5) The Continuous Automatic Train Control System shall provide the following modes of train operation, namely:-

(a) Automatic Train Operation Mode

(b) Manual Cab Signal Mode or Automatic Train Protection Mode

(c) Run on sight Mode

(d) Restricted Manual Mode; and

(e) Cut-Out Mode.

51. *Automatic Train Operation Mode*.-

(1) In the Automatic Train Operation Mode which is optional to be decided by metro rail administration, the train shall operate without intervention by the Train Operator except closing of train doors and starting from a station stop and Automatic Train Operation Mode shall operate under the supervision and controls of Automatic Train Protection functions.

(2) In Automatic Train Operation Mode, the Train Control and Signalling System shall-

(a) accelerate and decelerate the train by applying traction power, coasting, and applying and releasing brakes;

(b) automatically control speed, acceleration, stopping and starting, stop the train at stations;

(c) provide all indications necessary to operate the train;

(d) determine continuously the Maximum Safe Speed and Limit of Movement Authority;

(e) prevent movement of the train in excess of the Maximum Safe Speed and Limit of Movement Authority;

(f) open train doors on the correct side when the train is docked if permitted by the Automatic Train Protection door release;

(g) prevent the train from starting if train doors are not detected closed;

(h) train re-starting from a signal stop shall be automatic; and

(i) train starting or re-starting from a station stop shall be initiated by the Train Operator.

52. *Manual Cab Signal Mode or Coded Manual Mode, or Automatic Train Protection Mode*.-

(1) In Manual Cab Signal Mode the train shall be driven by the Train Operator, obeying cab signals.

(2) In Manual Cab Signal Mode, the Train Control and Signalling System shall-

(a) provide Cab Signals and all other indications necessary to operate the train including current speed;

(b) determine continuously the Maximum Safe Speed and Limit of Movement Authority;

(c) prevent train operation in excess of the Maximum Safe Speed or Limit of Movement Authority;

(d) provide audible and visual warning if the train speed exceeds the Maximum Safe Speed;

(e) enable train doors when the train is docked, enabling only the doors on the platform side of the train; and

(f) prevent the train from starting if train doors are not detected closed.

53. *Run On Sight Mode*.-

In Run On Sight Mode, which only operates in the absence of Automatic Train Protection Signals from the track, the train is driven manually on line of sight and the speed is limited by the Automatic Train Protection System to a maximum of 25 km/hr. When Automatic Train Protection Signals from the track are received, this mode automatically changes to Manual Cab Signal Mode.

54. *Restricted Manual Mode*.-

(1) Restricted Manual Mode is the default mode of operation and is automatically initiated, when the Automatic Train Control Train borne equipment is first powered. It remains in operation until sufficient conditions have been met to allow for a transfer to Automatic Train Protection Mode.

(2) Restricted Manual Mode shall be used

(a) to operate trains in depots;

(b) following an emergency brake application on main line, and absence of cab signals; and

(c) entry to the depot.

(3) In Restricted Manual Mode the train speed shall be limited to a maximum of 25 km/h enforced by on board Automatic Train Protection equipment.

55. *Cut-Out Mode*.-

(1) Cut-Out Mode, is intended for use in case of complete train borne Train Control and Signalling System failure and in such mode the train speed shall be restricted to 25 km/h enforced by on board rolling stock equipment.

(2) In Cut-Out Mode, the train shall be operated by the Train Operator in accordance with line side signals and verbal instructions from the Traffic Controller.

(3) Running of trains on main line in Cut-Out Mode is permitted only under instructions of Traffic Controller.

CHAPTER - VIII

SINGLE LINE WORKING

56. ***Objective of single line working***.-(1) In case of an obstruction of one of the running lines, train service may be continued on the adjacent line in both directions using single line working on the unaffected track and such single line working shall be achieved by 'fleeting' of trains in groups in one direction at minimum intervals followed by an equivalent group of trains in the other direction.

57. ***Implementation***.-

(I) The Traffic Controller, shall after consultation with the Chief Controller, decide to implement the single line working.

(2) The Traffic Controller shall, before the train passes in the reverse direction, inform to the Station Controllers at each of the stations in the single line section.

(3) The Station Controllers shall also closely monitor crowding on the platform in use and prepare to close entrances to the station if overcrowding becomes dangerous.

(4) The Station Controllers at these stations shall inform passengers by visual and audible announcements and take any other measures necessary to direct passengers on the correct platform.

(5) The Traffic Controller shall inform the Train Operator of all trains of the location and direction of the single line working.

(6) Trains shall work under normal Signalling but on lines equipped with Automatic Train Operation, Automatic Train Operation control shall be available in the normal direction of travel only and train operating in the reverse direction shall be driven under Manual Cab Signal.

(7) When normal working is to be restored, the Traffic Controller shall inform the Station Controller at each station at the single line section of the last train to pass the section in the reverse direction after which normal station operation shall be restored.

58. ***Signalling failures***.-

In the event of a failure of a track side signalling equipment which makes Restricted Manual control necessary on all trains, single line working shall be suspended immediately and if necessary, train may still pass through the section in the normal direction of travel and after defect is repaired, single line working may be resumed.

CHAPTER - IX

PERMANENT WAY AND WORKS

59. ***General***.-

(1) All running tracks shall be inspected at the intervals as laid down in special instructions.

(2) All metro rail employees whose duties require them to go on the tracks shall be properly trained and certified as authorised employee for the purpose of sub-rule (I).

(3) All metro rail employees who go on the tracks shall wear appropriate high visibility clothing.

(4) No rail mounted vehicle which is not capable of operating track circuits shall be placed on the track other than within an Engineer's Possession.

60. ***Track work in non-traffic hours***.-

(1) No maintenance staff shall enter on to the track of any running line without the permission of the Traffic Controller.

(2) Non-traffic hours are defined as the hours between the passage of the last train, including any works train, and a published time before start of traffic in the morning and the normal time shall be published in the relevant Handbooks which may be varied from time to time by the metro rail.

(3) Maintenance staff requiring to carry out inspection or repair of equipment which does not affect the integrity of the track nor require the use of ladders or scaffolding, may enter on the track under the following conditions, namely:-

(a) the Traffic Controller shall give permission, specifying the location and area for which permission is given and the time by which staff have left the track;

(b) the Traffic Controller shall log the time, location and name of the person to whom permission under clause (a) has been given;

(c) on completion of the work, the person to whom permission has been under clause (a) given shall report to the Traffic Controller, identify himself and affirm that he and his equipment are clear of the track and that it is safe for service to resume;

(d) if the work cannot be completed within the allotted time, the person to whom permission has been given under clause (a) shall inform the Traffic Controller before the expiry of the time he

has been allotted and agree with the Traffic Controller for an extension of time and the institution of an Engineer's Possession; and

(e) the Traffic Controller shall not permit the start of normal service until all permissions to work have been properly given up and rescinded.

(4) All other works carried on in non-traffic hours shall be protected by an Engineer's Possession.

***61. Track works which extend into traffic hours*.-**

(1) All works which are planned to extend beyond non-traffic hours into the hours when train services normally operate shall be notified at least one month before.

(2) All such works shall take place within an Engineer's Possession.

(3) Works which are planned to be carried out within non-traffic hours without an Engineer's Possession but which are delayed by unforeseen circumstances shall be protected by an Engineer's Possession.

(4) No train services shall be operated on adjacent sections of the line until the appropriate protection of an Engineer's Possession has been put in place.

***62, Emergency track work in traffic hours*.-**

(1) No routine maintenance shall be undertaken during the hours in which train services normally run except as provided for in sub-rule (2).

(2) If emergency repair work is required to be carried out to prevent accidents or to maintain or restore train services, such emergency work shall be done under Engineer's Possession, which shall be granted by the Traffic Controller without delay taking the exigencies of train services into account and making adjustments in train schedules.

***63. Engineer's Possessions*.-**

(1) Engineer's Possession on running lines granted by the Traffic Controller who has final responsibility on whether or not the Engineers may take possession.

(2) All work on tracks in depot shall be undertaken within an Engineer's Possession. Such Possession shall be granted by the Depot Controller but in other matters the provisions hereinafter provided shall apply.

(3) An area under the Engineer's Possession is the sole responsibility of the engineering official in charge and all issues of safe working within that area, including the movement of trains, is his responsibility.

(4) The person in charge of Engineer's Possession 'shall be properly trained and certified in the duties and responsibility of the role.

(5) If more than one maintenance unit is working within the same Possession, one person shall be nominated by the Traffic Controller as the person responsible for the coordination of the work of all the units, as per special instructions.

(6) When Possession is granted under sub-rule (1) and (2), the engineering official in charge shall protect the area of the Possession from access by trains in one of the following ways, namely:

(a) securing a vehicle at the limit of the Possession;

(b) securing points for a route which diverts trains away from the area of Possession;

(c) using a track circuits short circuiting cable at the limit of the Possession; and

(d) any other means as per special instructions.

(7) Running line being signalled for operation in either direction, protection shall be implemented at all points of potential access and different methods may be used at each location.

(8) If a works train or self-propelled maintenance vehicle is to be used within the Possession area, it shall arrive at site before possession is taken. Lamps displaying red aspects restricting movement towards the Possession area shall be placed at the limits of the Possession or on the secured vehicles where these are used to protect the Possession area.

(9) Where work on one track is likely to affect the passage of trains on an adjacent track, possession. shall be taken of all tracks likely to be affected.

(10) If trains are required to pass on an adjacent track, the person in charge of the Possession shall be responsible for ensuring that the track is safe to use before giving permission by hand signal.

(11) Unless essential for the movement of trains, traction power shall be switched from the area of the Possession by the traction Power controller and shall only be re-energized on receipt of clearance.

(12) The person in charge shall be responsible for confirming to the Traffic Controller on -completion of the work, that the track is safe for traction power to be switched on, all protection measures have been removed and the track is safe for trains to run.

64. *Works at stations.*-

(1) No maintenance work, affecting safety of train operation, shall be carried out at any station until permission has been granted by the Station Controller.

(2) All works in public areas shall be securely fenced to prevent access by the public.

(3) Maintenance staff, as per special instructions, shall report to the Station Controller before starting work and again before leaving the station and the Station Controller shall record the time and location of their work so that they be warned of any emergency arising on the station.

(4) Any maintenance work on a station which requires that fire alarm or fire suppression equipment be isolated shall be reported to and recorded by the Station Controller.

(5) The maintenance staff shall be responsible for their own protection and for raising the alarm in case of fire in the area which has been isolated and shall also be responsible for restoring normal function to the isolated equipment informing the Station Controller on completion of their work.

(6) No maintenance work which requires the complete shut down of the fire alarm or fire suppression systems of public areas shall take place during the hours in which the station is open to the public.

(7) No maintenance work which requires the use of ladders or scaffolding shall take place within the fixed structure dimensions laid down in schedule of dimensions from the platform edge during traffic hours.

CHAPTER – X

POWER SUPPLY AND TRACTION ARRANGEMENTS

65. *Acess :*

a) all points of potential access by the public to high voltage equipment shall be kept locked and suitable warning notices displayed therein.

b) all switchgear and other high voltage equipment shall be fenced off and shall accessible only to authorized staff and access to the live equipment shall only be permitted when the equipment has been switched off and earthed as laid down under special instructions.

c) No person shall work on high voltage or 750 DC equipment, or switch such equipment by local control unless he is properly trained and certified to perform such duties by the Authorized officer and possesses a valid certificate of competency. He shall also obtain the permission of the traction powere Controller before undertaking such and the procedure for obtaining; granting and cancelling of such permission shall be laid down in special instruction.

66. *Arcing and fire:*

a) If any member of staff may observe fire, smoke, arcing or fusing in the vicinity of the third rail equipment, he shall inform the Traffic controller as quickly as possible and request power to be switched off from the section of line.

b) The traffic Controller shall instruct the Traction Power Controller to switch off the power to that section on line before taking any further action to investigate the occurrence.

c) The Traffic Controller shall also instruct the Station Controller at the nearest station to check if the fire or arcing has been extinguished.

d) On the basis of report of investigation and confirming rectification of the fault, Traction Power Controller shall reenergize the section and may advise Traffic Controller to resume train services.

67 "Emergency Trip system" The Emergency Trip Switches will be used for switching off the DC Traction Power Supply on the line of the particular sections near the ETS in case any emergency. The ETS switches are installed at each end of the platform in the stations, at station control rooms and at cross passages in tunnels.

After activating an ETS an individual signal is sent to SCADA. According to a tripping scheme and logic provided, SCADA shall switch off relevant DC circuit breakers and send signal to indicate that the track section is de-energized.

68. *Inspection of Electrical Way and Works*

The Electrical Way and Works shall be inspected regularly in accordance with instructions by officials nominated for the purpose and in accordance with the duties assigned to them.

69. *Issue of Caution order.*

In case of breakdown of third rail equipment, when it is necessary for a train to proceed cautiously, the senior Engineer (third rail) shall arrange for issue of Caution order in accordance with the procedure in force.

70. *Inspection and maintenance of Electrical Way and Works*

Detailed instructions in respect of inspection and maintenance of electrical way and works, and third rail power supply, etc. will be available in the Electrical Maintenance and operation Rules of Metro Rail.

71. *Protection of Trains in case of Third rail equipment Failure or breakdown:*

Wherever a Train finds that his train cannot proceed further on account of third rail equipment failure or breakdown of third rail equipment, the Train operator shall secure his train and inform the Traffic controller and the Traction power controller and shall follow instructions laid down in sub-rule (2) of rule 44.

72. *Permit to work adjacent to or involving electrical equipment*

(1) Works shall be carried out adjacent to electrical equipment or involving any parts thereof only by qualified metro rail servants.

(2) No works under sub rule(1) shall be undertaken unless an authorised electrical person has given a permit to work and in addition, nominated a qualified representative of the electrical branch , when necessary , in accordance with instructions on this behalf to be available at the site of work to ensure necessary safety and guidance.

(3) The authorised electrical person shall not issue such permit to work without the knowledge and consent of the Traction power controller(TPC) who in turn, shall keep the traffic controller informed when train movements are affected. Whenever such work is likely to affect any other installations , the work will be carried out as per special instructions.

72.1Permit to work

(i) Before commencing any work on third rail or its associated cables and equipment, or any other maintenance/inspection work within 2 metres of the third rail , a permit to work shall be obtained from an authorised electrical person deputed at work site in the case of multiple working parties and from TPC on duty in the State control/OCC in the case of single working party.

(ii) There are normally two types of electrical maintenance operations under which works on Electric Traction Installations can be carried out-

(A) Pre-arranged maintenance during non-traffic hours

(B) Emergency maintenance during traffic hours

(A) Permit for Prearranged maintenance during non-traffic hours

(a) Officials of all Engineering departments(Civil, Electrical and S & T) shall send their 10 days maintenance programme to the authorised Electrical Engineer on 1st, 11th and 21st of every month for the next period. For example, in the programme submitted on 1st of the month the maintenance programme for the period from 11th to 20th of the month will be mentioned.

(b) The requirements of all departments shall be co-ordinated in the office of the authorised Electrical Engineer and a consolidated statement forwarded to the Senior transporatation officer for his concurrence by 3rd, 13th and 23rd of every month, if any infringement of traffic hours is expected.

(c) A ten day maintenance programme shall be prepared in the office of the authorised Electrical officer and despatched to all concerned Traffic controller , Traction power controller, SE/SSE(Power Supply) and station-in-charge in addition to the STO and concerned Engineering officials of Departments concerned latest by 5th, 15th and 25th of the month.

(d) Before the scheduled commencement of the works the authorised electrical person not below the rank of JE (Electrical)/Gr.I shall be present at the station concerned and issue a memo in writing to the station –in-charge on duty that work is being commenced from ***(specify hour of commencement)*** hours and will continue up to ***(specify hour of conclusion)*** hours.

(e) The authorised electrical person shall confirm from the Traction Power Controller (T.P.C) that the third rail power supply has been switched OFF and then issue 'Permit of Work' to Person(s)-in-charge of maintenance gang(s) to commence their work indicating the period upto which work will be permitted.

(f) After the work is over, the person(s)-in-charge of all the maintenance gang(s) will report to the same authorised electrical person. The person-in-charge of each gang will give a certificate to the authorised electrical person confirming that 'all men and materials of his gang have been withdrawn from the track and the line is safe for running of trains'. The authorised electrical person, who shall be the co-ordinator at work site shall then prepare a 'Line Safe Certificate' and hand over the Station-in-charge concerned. Where the authorised electrical person has any doubt about the safety of line, he shall arrange a joint inspection with the Person(s)-in-charge of the gang(s) concerned before issuing 'Line safe certificate'.

(g) In all these operations it is absolutely essential that the person-in-charge of each gang sticks to the time schedule.

(B) Emergency maintenance during traffic hours

(a) On receipt of any advice of breakdown, accident etc., directly or through the Traffic controller the TPC shall immediately switch OFF third rail power supply.

(b) The person giving such information directly to the TPC and requesting switching OFF of the third rail power supply shall give his identity i.e. name, designation and also the kilometerage where breakdown is noticed , nature of breakdown and place of reporting. The person reporting the incident will be advised to stay at the same place and shall not leave the place without informing TPC.

(c) The TPC shall, after switching OFF the third rail power supply shall inform the Traffic controller and then communicate again with the same person to obtain further details as available. The Traffic Controller shall inform all concerned. Station Controller to ensure that there are no further train movements over this affected section.

(d) The TPC shall then inform the Traffic Controller further about the circumstances. The Traffic Controller shall in consultation with TPC inform the Engineering official concerned to proceed with his gang(s) to the site. The Engineering official concerned after ensuring from the TPC that the third rail power supply is switched OFF shall issue and advice in writing to the nearest station-in-charge to apprise about the work and shall then proceed to the site when consented , with his men and materials to the work.

(e) After necessary repairs have been carried out successfully the Engineering official concerned shall prepare a 'Line Safe certificate' and hand it over to the Station-in-charge concerned after making sure that 'all men and materials have been cleared from the track and there is no obstruction to safe running of trains'.

(f) The Traffic Controller on the advice of the Station-in-charge shall then advise the TPC to switch ON power supply to the third rail and issue instruction for resumption of train services after the traction power supply is switched ON.

73. Warning to staff and public

All electrical equipment shall be regarded as being live at all times and consequently dangerous to human life , save and except in cases, where the electrical equipment has been specially made dead in accordance with instructions, on this behalf. Caution notices shall be prominently fixed near all vulnerable places to warn staff and public to exercise due caution.

74. Additional rules for electrified sections:

Special instructions, if any, for working of trains on electrified sections shall be specified by the Authorized officer.

75. Switching 'OFF' traction current

(1) Traction current will ordinarily remain 'ON' unless needed to be switched 'OFF' either due to emergency or for any other purpose in accordance with instructions issued in this regard by the Chief Electrical Engineer.

(2) When it is necessary for traction current to be switched 'OFF' during traffic hours in emergency like

(a) To stop serious arcing or fusing

(b) To stop train in unusual circumstances; and

(c) When the flood water overflows the State drain

for a specified third rail section while the rest of the section remains 'ON', the same shall be switched 'OFF' by the Traction Power controller or through his authorised staff in the substation immediately after informing the traffic controller. The Traffic controller shall also inform all concerned Metro Rail servants to ensure that there are no further train movements over the affected section. The Traction power controller will issue emergency power block as per prescribed procedure to the authorised person who has informed him of the emergency.

(3) When the cause of 'Switching OFF' is over , the person who has taken emergency power block will inform the traction power controller to that effect and cancel the emergency power block. The traction power controller will switch 'ON' the power in accordance with the instructions issued in this regard by the Chief Electrical Engineer.

76. Switching 'ON' Traction current

(1) When traction current has been switched 'OFF' the current shall be switched 'ON' in accordance with instructions issued in this regard by the Chief Electrical Engineer.

(2) Before switching 'ON' the current, the traction power controller shall obtain the permission of traffic controller.

(3) In all cases where possession of track has been taken for any purpose, the Traffic controller shall give said permission under sub-rule(2) after receiving a certificate from the engineering official in charge that running line is safe and free from all obstructions.

(4) Before resumption of traffic, the traffic controller shall obtain a confirmation from traction power controller that the third rail is safe and the power has been switched 'ON'.

(5) The engineering official in charge nominated for the supervisory works over the section shall issue a certificate under sub-rule(3) after complying with procedure under special instructions.

77. *Procedure for preventing admission of electric rolling stock into or over sections of track with dead or earthed third rail:*

a) In order to prevent electric rolling-stock from being admitted into a track or a crossover for which third rail equipment is made dead or for which a permit-to-work is to be issued, the levers or slide or push buttons, etc, of signals and points governing movement of electric rolling stock shall be suitably protected and if the points and signal are locally operated they shall be clamped and padlocked in their normal and the keys shall be kept with Station Controller.

b) These protective measures shall not be withdrawn until the Station Controller receives a message from the Traffic Controller and acknowledges the same, and the Traffic Controller shall not issue such a message unless he has received a message from the Traction Power Controller cancelling the Power block.

78. *Work on third rail or any associated equipment thereof*

No work shall be undertaken on third rail or its associated equipment or in zones within 2 metres from third rail except in accordance with instructions issued in this regard by the Chief Electrical Engineer.

79. *Train maintenance works on line*

When it is necessary to carryout any work on train which involves person working within 2 metres from third rail, works shall be carried out with proper safety precautions in accordance with instructions issued by the Chief Electrical Engineer in this regard.

80. *Battery Locomotives*

The rules for movement and working of the battery locomotives shall be laid down by special instructions.

81. *66 KV RSS*

a) Power Supply to the 4 Nos of RSSs is given from KPTCL grid sub-stations. The stations are protected against lighting with lighting masts installed in the outdoor yard where the 66 KV equipments are installed.

b) The RSSs are protected against faults on equipments by laying suitably designed earthmats. The earthmats are designed to take care of touch & step potentials from fault currents of 40 KA. The earthmat is designed for a earth grid resistance of less than 0.5 ohm.

c) All the equipments like transformers, busbar etc., are suitably protected with the protective equipments like CTs. PTs, relays lighting arresters and breakers etc.

Steel fences within & around the sub-station area shall be connected to the earthing system at least at two different points and at maximum 10 m intervals. All metal parts have to be connected through by welding or suitable earthing conductors.

82. *Stinger System in Depots*

a) In the main workshop area, for the purpose of safety to working personnel, stinger system is installed the conductor rail is installed on the gantry of the buildings and vehicles are powered through flexible cables.

b) The power supply from the suspended rail to the vehicle shall be made via a current collecting trolley, which can be itself switched and off through control supply. A two button control pendant suspended from the trolley will be used to switch the trolley on & off. The trolley, running on the I-profiled MS gantry beam, shall be equipped with a current sensing device and will be provided with a strain relieved dropper cable fitted with a special plug. This plug will be fitted with an auxiliary contact, such that the plug can only be made live when it is correctly inserted in a train socket.

c) The inspection tracks inside the workshop will be provided with individual stinger lines. The other depot tracks will be provided with regular conductor rail equipment.

d) Provision will be made to install stingers that are totally enclosed in metal housings or will be utilized with a protective cover along the stinger. In particular cases it may be necessary to install stinger line underneath working platforms or crane rails.

e) For reasons of safety, it will be necessary to equip stingers along the determined distances of the line with special indicator lights, showing whether the stingers are energized or not. The design will provide all control circuits and facilities required to switch off all stinger lines together in case of emergency.

83. *Warning Signs & their use*

The entire conductor rail, including all ramps, expansion joints and cable terminals is covered by an insulated protective shroud to protect against the weather and to avoid unintentional contact by staff working/walking along the line. The shroud will be made of unplasticised polyvinyl chloride for outdoor applications and GRP for tunnel. The shrouds will be embossed with a warning "Danger High Voltage. Keep off track".

84. Lighting Protection

a) Lighting protection for individual buildings is provided in accordance with IEC 61024 or the National Building Code.

b) For viaduct lighting protection, the handrail of the top of the parapet is used and down conductors of galvanized steel are provided at pier locations, connected to the earth pit. All equipments are connected to MET through twin connections (each from separate MET) to the extent possible.

CHAPTER - XI

OTHER SYSTEMS OF BLOCK WORKING

85. Notwithstanding anything contained in these rules, Special Procedures framed by Bangalore metro rail administration shall apply to the initial stage operation of any section of Bangalore metro rail.

Explanation.- For the purposes of this rule, the expression “initial stage” means the period any section of the Bangalore metro rail shall be opened without Automatic Train Protection, Automatic Train Operation and/or Signalling and Train Control being available from the Operation Control Centre.

By order and in the name of Governor of Karnataka,

KOUSALYA
Under Secretary to Government
Urban Development Department

ವಿಶೇಷ ಪತ್ರಿಕೆ

ಭಾಗ – ***IV-A***	ಬೆಂಗಳೂರು, ಸೋಮವಾರ, ಅಕ್ಟೋಬರ್ ೧೧, ೨೦೧೦ (ಆಶ್ವಯುಜ ೧೯, ಶಕ ವರ್ಷ ೧೯೩೨)	ನಂ. ೧೦೫೧

Urban Development Secretariat

NOTIFICATION

No. UDD 120 PRJ 2010 (P-2), Bangalore, Dated: 8th October, 2010

The draft of the following rules which the Government of Karnataka proposes to make in exercise of powers conferred by Section 24 of Mysore Tramways Act, 1906 (Mysore Act, II) is hereby published as required under Sub Section (1) to (5) of Section 26 of Mysore Tramways Act, 1906, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration after thirty days from the date of its publication in the Official Gazette.

Any objection or suggestion which may be received by the State Government from any person in respect of a said draft before the expiry of the period specified above will be considered by the State Government. The objections and suggestions may be addressed to Principle Secretary to Government (Additional Chief Secretary as the case may be), Urban Development Department, Vikas Soudha, Bangalore 01.

DRAFT RULES

THE BANGALORE METRO RAIL (ACCIDENTS AND INQUIRIES) RULES, 2010

In exercise of the powers conferred by section 24 of the Mysore tramsway Act 1906, the State Government hereby makes the following rules, namely: -

1. Short title and commencement.-

1. These rules may be called the Bangalore Metro Rail (Notices of Accidents and Inquiries thereto) Rules, 2010.

2. They shall come into force on the date of their publication in the Official Gazette.

2. Definitions. –

(1) In these rules the unless the context otherwise requires –

(a) “Act’ means Mysore Tramway Act 1906,

(b) "Accident" means any occurrence which causes or is potential to cause death or injury to staff, passengers or other persons or causes damage to the property of the Metro Rail, passengers or other persons;

(c) "Chief Executive Officer" means the Metro Rail Administration Chief Executive Officer, incharge of working of the metro rail;

(d) “Commissioner” means the Engineer appointed under section 12 of the Act.

(e) “Deputy Commissioner “means the Deputy Commissioner of the District.

(f) "Form" means the Form appended to these rules.

(g) "Government" means the Urban Development Department of Government of Karnataka.

3. Particulars to be given in the notices.-

(1) Where, in the course of working of metro rail--

(a) any accident attended with loss of any human life or with grievous hurt, as defined in the Indian Penal Code; or

(b) any collision between trains; or

(c) the derailment of any train carrying passengers, or of any part of such train; or

(d) any accident of a description usually attended with loss of human life or with such grievous hurt as aforesaid; or

(e) any accident of any other description which the State Government may notify in this behalf in the Official Gazette, occurs, the metro rail official in charge of the section of the metro rail on which the accident occurs, shall, without delay, give notice of the accident in the format and containing the particulars as given in Form I to the Deputy Commissioner and the Deputy Commissioner of Police, within whose jurisdiction the accident occurs, the officer in charge of the police station within the local limits of which the accident occurs and to such other Magistrate or police officer as may be appointed in this behalf by the State Government.

(2) The metro rail administration, within whose jurisdiction the accident occurs, shall, without delay, give notice of the accident to the Government of Karnataka and the Commissioner.

4. Mode of sending notices.-The notices of accident shall be sent, without delay, by Bangalore Metro Rail Administration by telefax, or telephone, or through a special messenger, or such other means as may be available.

5. Facility for reaching the site of the accident.-Whenever any accident has occurred in the course of working the Bangalore Metro Rail, the Chief Executive Officer shall give all reasonable aid to the Deputy Commissioner or the Magistrate appointed or deputed or to the Commission of Inquiry appointed under the Commission of Inquiry Act, 1952 (60 of 1952), or any other authority to whom all or any of the provisions of the said Commission of Inquiry Act have been made applicable, and to the Commissioner, medical officers, the police and others concerned to enable them to reach the site of the accident promptly, and shall also assist those authorities in making inquiries and in obtaining evidence as to the cause of the accident.

6. Attendance of metro railway employees at the place of inquiries conducted by Commissioner or a Magistrate.-When an inquiry by the Commissioner under rule 7, is being made, the Chief Executive Officer shall arrange for the attendance, as long as may be necessary, at the place of inquiry, of any metro railway employee whose evidence is likely to be required at such inquiry and the Chief Executive Officer shall also –

(a) cause notice of the date, hour and place at which the inquiry shall begin to be given to the officers mentioned in clauses (b) and (c) of sub rule (1) of rule 10; and

(b) arrange for the attendance of Bangalore Metro Rail Corporation employees, if required as witness at the inquiry.

7. Procedure for inquiry into accident by the Commissioner and report : -

1. On receipt of notice of an accident resulting in loss of human life or grievous hurt causing total or partial disablement of permanent nature to a passenger, the Commissioner shall, as soon as may be, notify the Chief Executive Officer of his intention to hold an inquiry and shall, at the same time, fix and communicate the date, time and place of the inquiry.
2. The Commissioner shall, while conducting an inquiry inform or cause to inform the Government, the Deputy Commissioner and the Deputy Commissioner of Police of the district concerned.
3. The Deputy Commissioner or Deputy Commissioner of Police, as the case may be, shall, as far as possible attend the inquiry conducted by the Commissioner personally or depute some other officer to represent him at the inquiry.
4. On completion of an inquiry in respect of any of the accidents, collisions or derailments, as the case may be, referred to in sub-rule (1), the Commissioner shall submit a brief preliminary narrative report to the Chief Executive Officer. Such report shall be factual and shall not contain any reference to persons implicated.

5. The preliminary narrative report of the inquiry by the Commissioner shall be followed by a detailed report to the Chief Executive Officer. Such detailed report shall be confidential and shall contain particulars as specified in sub-rule (1) of rule 11.
6. The Commissioner shall also forward copies of his report to, :

(i) the Government
(ii) Secretary, Urban Development Department, Govt. of Karnataka.

7. The recommendations in regard to publication of the report of the Commissioner shall be made to the Government which shall decide on the publication of the report.

8. Inquiry into accidents by metro rail administration .-

1. If for any reason, the Commissioner is unable to hold an inquiry into an accident at an early date after the occurrence of such an accident, he shall notify to the Chief Executive Officer the reason why the inquiry cannot be held by him.
2. Where no such inquiry is held by the Commissioner or where the Commissioner has informed the metro rail administration that he is not able to hold an inquiry, the Chief Executive Officer shall cause an inquiry to be made in accordance with the procedure specified in sub-rule (1) of rule 11.

9. Procedure for inquiry by the metro rail administration.-

On receipt of information from the Commissioner that he is not able to hold and inquiry, the Chief Executive Officer shall cause an inquiry (to be called a joint inquiry or a departmental inquiry) by constituting a committee of metro rail officials for a thorough investigation of the causes which led to the accident, collision or derailment, as the case may be.

10. Notice of joint inquiry or department inquiry.-

(1) Whenever a joint inquiry is to be made, the Chief Executive Officer shall cause notice of the date, place and hour at which the inquiry shall commence, to be given to the following officers, namely: -

(a) the Commissioner concerned of the metro rail on which the accident occurred;
(b) the Deputy Commissioner of the district in whose jurisdiction the accident occurred or such other officer as the Government of Karnataka may appoint in this behalf;
(c) the Deputy Commissioner of the police having jurisdiction at the place where the accident occurred; and
(d) the officer-in-charge of the police station having jurisdiction at such place.

(2) The date, place and hour at which the inquiry shall commence shall be fixed so as to give the officers mentioned in sub-rule (1) sufficient time to reach the place where the inquiry is to be held.

11. Procedure for joint inquiry or departmental inquiry and the action to be taken thereon.-

(1) The joint inquiry or departmental inquiry shall be sufficiently detailed so as to point out the cause of the accident. After completion of such inquiry, the report shall be submitted to the Chief Executive Officer and such report shall contain the following particulars, namely:-

(a) brief description of the accident;
(b) description of the locality of the accident;
(c) detailed statement of the evidence taken;
(d) the conclusions arrived at together with a note of dissent, if any;
(e) reasons for conclusions arrived at;
(f) the nature and extent of the damage done;
(g) when necessary, a sketch illustrative of the accident;
(h) the number of metro rail employees killed or injured;
(i) the number of passengers killed or injured;
(j) whether it has been a system failure or failure of an individual;
(k) an appendix containing extracts of the rules violated by the staff responsible for the accidents; and
(I) remedial action proposed.

(2) The Chief Executive Officer shall, with his remarks as to the action that is intended to be taken in regard to the staff responsible for the accident, or for the revision of rules, or the system of working, forward a copy of the report referred to in sub-rule (1) to the Commissioner.

12. Reports of inquiries into Technical Accidents etc. to be forwarded to Commissioner.-

(1) Whenever any accident, such as averted collisions, breach of rules, or other technical accidents, occurs in the course of working of a metro rail, Chief Executive Officer 'shall cause an inquiry, either a joint inquiry or a departmental inquiry to be held into the accident as per the procedure specified in sub-rule (1) of rule 11,

13. Return of accidents.-

(1) At the end of each financial year, the Chief Executive Officer shall send to the Government a return of all accidents that occurred on the Bangalore metro rail during that financial year, whether attended with injury to any person or not in the Form II.

NOTE :

All other words and expressions used herein and not defined shall have the meaning respectively, assigned to them in the respective Acts.

FORM I

(See rule 3)

NOTICE OF ACCIDENT

Details of the accident are as under:-

(a) Time and date of the accident

(b) Nature of the accident

(c) Kilometer age, or station or both, at which the accident occurred

(d) Number and description of the train or trains

(e) Number of persons killed or injured, as far as is known

(f) Cause of the accident, as far as is known

(g) Probable detention to traffic

FORM - II

(See rule 13)

RETURN OF ACCIDENTS WHICH OCCURRED DURING THE YEAR

Sl. No.	Date of accident	Brief details of the accident	Action taken to prevent recurrence of accidents of this nature	Remarks

By order and in the name of Governor of Karnataka,

KOUSALYA

Under Secretary to Government

Urban Development Department

ವಿಶೇಷ ಪತ್ರಿಕೆ

ಭಾಗ – **IV-A**	ಬೆಂಗಳೂರು, ಸೋಮವಾರ, ಅಕ್ಟೋಬರ್ ೧೧, ೨೦೧೦ (ಆಶ್ವಯುಜ ೧೯, ಶಕ ವರ್ಷ ೧೯೩೨)	ನಂ. ೧೦೫೨

Urban Development Secretariat

NOTIFICATION

No. UDD 120 PRJ 2010 (P-3), Bangalore, Dated: 8th October, 2010

The draft of the following rules which the Government of Karnataka proposes to make in exercise of powers conferred by Section 24 of Mysore Tramways Act, 1906 (Mysore Act, II) is hereby published as required under Sub Section (1) to (5) of Section 26 of Mysore Tramways Act, 1906, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration after thirty days from the date of its publication in the Official Gazette.

Any objection or suggestion which may be received by the State Government from any person in respect of a said draft before the expiry of the period specified above will be considered by the State Government. The objections and suggestions may be addressed to Principle Secretary to Government (Additional Chief Secretary as the case may be), Urban Development Department, Vikas Soudha, Bangalore 01.

DRAFT RULES

BANGALORE METRO RAIL
(OPENING OF RAIL FOR PUBLIC CARRIAGE OF PASSENGERS) RULES, 2010

In exercise of the powers conferred by Section 24 of the Mysore Tramways Act, 1906, the State Government hereby makes the following rules, namely:-

CHAPTER - I

PRELIMINARY

1. Short title, commencement and application.

1) These Rules may be called the Rules for Opening of Bangalore Metro Railway for Public Carriage of Passengers, 2010.

2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.-

(1) In these rules, unless the context otherwise requires,-

a. “Act” means Mysore Tramways Act, 1906;
b. "Authorised" means authorised by the metro railway administration;
c. "Bridge engineer" means the Chief Engineer or any other engineer responsible for design and/or construction of bridges or viaducts;
d. "Chief Executive Officer" means the Metro Railway administrator or the officer in-charge of the Metro Railway Operations.
e. "Commissioner" means the Engineer appointed under Section.12 of the Act;
f. "Form" means a Form appended to these rules;
g. "General Rules" means Bangalore Metro Railway General Rules, 2010;
h. “Government” means the Department of Urban Development in the Government of Karnataka;
i. “Metro Railway” where ever the words Metro Railway used in these Rules means Tramway as defined in the Act;
j. “Metro Railway Administration” means Metro Railway Administration as defined in the Bangalore Metro Rail Corporation General Rules 2010
k. “Passenger" means a person travelling on the metro railway with a valid ticket or pass;
l. "Report" means the report of the Commissioner;
m. “Schedule" means a Schedule appended to these Rules;

CHAPTER - II

PREPARATION FOR OPENING OF THE METRO RAIL

***3. Opening of the Metro Rail**.-*

(1) The metro railway administration shall ensure that the metro railway or a portion thereof to be opened for public carriage of passengers is complete in all respects as per the manuals of practice of the metro railway and for such opening all the administrative formalities are completed and that the working of metro railway is regulated by Bangalore Metro Railway General Rules, 2010.

(2) Where the Chief Executive Officer is of the opinion that the metro railway or part thereof is required to be opened for public carriage of passengers, he shall refer the matter to the Commissioner for inspection and report on the safety of that metro railway.

***4. Supply of documents to the Commissioner**.-*

(1) The Chief Executive Officer shall, while making reference to the Commissioner for inspection and report on the safety of the metro railway under sub-rule (2) of rule 3, furnish all relevant documents to the Commissioner from the following list of documents, namely:-

(a) Tabulated details;

(b) Index plan and sections;

(c) Drawings of works;

(d) Certificate(s);

(e) List of infringements of moving and fixed dimensions;

(f) Working orders to be enforced at the operations control centre and at each station; and

(g) Administrative note giving salient features of the project.

(2) The documents referred to in sub-rule (1) shall indicate the distances from the same fixed point in kilometers and decimals up to two digits and the fixed point shall be clearly defined in a note on the plan and section sheets of the work documents.

(3) The datum adopted shall be mean sea level as fixed by the Survey of India and heights shall be mentioned with reference to the datum in metres and decimals up to two digits.

(4) The documents referred to in sub-rule (1) shall be signed by atleast an officer equivalent to senior administrative grade rank except the certificate(s) which shall be signed by the Chief Executive Officer himself.

(5) The Chief Executive Officer shall furnish such documents to the Commissioner, as far as possible, at least one month in advance of the stipulated date of inspection.

***5. Contents of documents**.-*

(1) Tabulated details shall consist of important characteristics of the metro railway or a portion thereof to be opened for public carriage of passengers, and in particular shall include-

(a) Curve abstract as specified in Form I;

(b) Gradient abstract as specified in Form II;

(c) Bridge abstract as specified in Form III;

(d) Viaduct abstract as specified in Form IV;

(e) Important bridges abstract as specified in Form V;

(f) Ballast and permanent way abstract as specified in Form VI;

(g) Stations and station sites as specified in Form VII;

(h) Brief particulars of rolling stock as specified in Form VIII;

(i) Brief particulars of traction installations as specified in Form IX;

(j) Power supply installation abstract as specified in Form X;

(k) Electrical crossings over metro railway tracks as specified in Form XI;

(l) Traction maintenance depot abstract as specified in Form XII;

(m) Ventilation, smoke management and fire safety measures in tunnels and stations as specified in Form XIII; and

(n) Signalling/ train control and tele-communication installations as per sample in Form XIV.

(2) Index plan and section sheets, completion drawings, etc., shall include,-

(a) Index plan and section sheets as mentioned in the Schedule;

(b) Completion drawings of bridges/viaducts showing details of structure, loading standards adopted, etc

(c) Completion drawing of tunnels, if any;

(d) Diagrammatic plan of station yards showing layout of tracks and particulars of turn outs, gradients, of any signalling and interlocking installed and

(3) The comments on the following matters, namely:

(a) Moving and fixed dimensions;

(b) Strength of bridges/viaducts;

(c) Brake and communication;

(d) System of working;

(e) Electric traction equipment; and

(f) Type of rolling stock, proposed along with list of restrictions, shall be contained in the certificate in Form XV.

(4) List of infringements of moving and fixed dimensions shall be prepared as specified in Form XVI and shall contain full explanations for the infringements and restrictions or precautions to be adopted because of them and the reference to the authority of the Central Government under which the infringement is permitted or allowed.

(5) Working orders to be enforced at each station on the metro railway to be opened shall be prepared in accordance with the provisions of the Bangalore Metro Railway General Rules, 2010 and shall specify special conditions that are required to be met with and such orders shall include traction working rules.

CHAPTER - III

DUTIES OF THE CHIEF EXECUTIVE OFFICER

6. Deviations from manuals of practice to be notified.-

(1) The Chief Executive Officer shall ensure that the Metro Railway or a portion thereof proposed to be opened is operationally fit in every respect before inspection.

(2) The Chief Executive Officer shall, while making reference under sub-rule (2) of rule 3, bring to the notice of the Commissioner any deviation in design, material and construction of the civil works, electrical, signalling/train control and telecommunication installations, rolling stock or appliances of the metro railway, instances in which moving and fixed dimensions have not been observed, or the bridges or viaduct or tunnels that are not capable of carrying the specified or standard loading without exceeding the stresses specified in relevant Indian Codes/International Codes.

7. Chief Executive Officer to make special arrangements.-

(1) The Chief Executive Officer shall make such arrangements which are necessary to facilitate the inspection of the metro railway, which is to be recommended for opening by the Commissioner.

(2) The Chief Executive Officer shall be responsible to make such special arrangements as the Commissioner may require for inspection of civil structures, permanent-way, rolling stock, electrical, signaling/train control and telecommunication installations on the metro railway, which is to be opened.

8. Supply of information to the Commissioner.- (1) The Chief Executive Officer shall supply all the information, give all the assistance to the Commissioner and supply or provide all instruments and apparatus required for taking measurements, testing of bridges/viaducts, rolling stock, electrical, signaling, telecommunication and other installations.

9. Dismantling of any work on request by Commissioner.-

(1) The Chief Executive Officer, shall on receipt of a request made by the Commissioner, make arrangements to dismantle any structure on the metro railway to be opened with a view to make complete examination of the details or workmanship of the structure, as quickly and completely as possible.

(2) The Commissioner, while requesting the dismantling of the structure, shall be responsible to see that such dismantling does 'not affect the utility or strength of the structure' unless dismantling is necessary for its proper inspection.

10. Chief Executive Officer to accompany the Commissioner at inspection.-

(1) The Chief Executive Officer shall accompany the Commissioner throughout the inspection.

(2) If, for any unavoidable reason, it is not possible for the Chief Executive Officer to accompany the Commissioner, then an official not below the rank of senior administrative grade, authorized by general or special order issued by the Chief Executive Officer, shall accompany the Commissioner and shall be present during the entire period of inspection.

(3) During such inspection of each portion of the metro railway, the engineer or officer who is or was in immediate charge, or his representative of that portion of the metro railway during its construction may also be present.

CHAPTER - IV

DUTIES OF THE COMMISSIONER

11. Commissioner to make full and complete examination.-

(1) On receipt of a reference under sub-rule (2) of rule 3 from the Chief Executive Officer, the Commissioner shall, with a view to determining whether it is fit to be so opened, inquire into all matters which appear to him relevant for the safety of public carriage of passengers on that metro railway.

(2) The Commissioner shall satisfy himself that,-

(a) the Bangalore Metro Railway General Rules, 2010 have been applied to the metro railway or part thereof proposed to be opened;

(b) the moving and fixed dimensions have been observed; and

(c) the civil works, permanent-way, electrical, signal, telecommunication, rolling stock and other appliances belonging to or working on the metro railway are designed properly or constructed in such a manner so as to guard the system against accident and failure.

12. Provisions for handling traffic at stations.-

(1) The Commissioner shall satisfy himself, that at every station on the part of Bangalore metro railway proposed to be opened -

(a) adequate provision has been made for handling of passenger traffic;

(b) arrangements have been made for easy access by road; and

(c) adequate fire-protection and disaster management measures have been taken along with arrangements for safe evacuation of passengers.

13. Inspection of bridges or viaducts.-

The Commissioner shall satisfy himself that the bridges or viaducts and other elevated structures on the metro railway proposed to be opened for public carriage of passengers are so designed and constructed to confirm to the loading standards as specified in Bangalore Metro Railway Bridge Manual and that the stress limits are not exceeded.

14. Procedure for inspection of bridges or viaducts.-

(l) For the purpose of rule 13, the Commissioner shall examine at least one bridge or viaduct of each different pattern or type, as the case may be, and satisfy himself about the adequacy with reference to the safety of

(a) the general design of the bridge or viaduct;

(b) designs of different parts or portions of the bridge or viaduct;

(c) the construction and erection of the whole structure of the bridge or viaduct;

(d) steel/girder/concrete/composite spans and their bedding at all supports; and

(e) type and design of the pre-stressed concrete bridges or viaducts including their bearings.

(2) If the Commissioner considers it necessary, in addition to the certificate of a bridge engineer employed for the purpose, he may call for load deflection test as specified in Form XVII and other tests under the loads for which the bridge is designed.

(3) If the Commissioner is satisfied that the girders have been properly designed for the work they are intended to perform, then the open-web and plate-girders shall not require to be tested.

(4) The Commissioner may test any number of span and may test a span any number of times and at any speed as he considers desirable up to the maximum permissible speed of the -section.

15. Inspection of electrical installations.-

(1) The Commissioner shall inspect the following for electrical installations on the metro railway proposed to be opened for the public carriage of passengers, keeping in view the essentiality of services and safety of passengers, namely:

(a) protection systems of sub-stations;

(b) earthling and bonding of installations;

(c) electro magnetic interferences to ensure that these are within limits; and

(d) essential services to ensure that these would run in case of major break downs;

(e) (i) electrical clearances;

(ii) caution and danger notice boards for public;

(iii) assurance registers signed by various metro railway staff of their knowledge of working in electrified area;

(iv) maintenance facilities and manpower; and

(v) fire fighting measures;

(f) any other item, as he may consider fit for the safety of passengers.

16. Inspection of rolling stock.-

The Commissioner shall inspect the following items of the rolling stock proposed to be used on the metro railway keeping in view the safety of travelling public on metro railway system proposed to be opened, namely:

(a) important systems like traction, braking, etc.;

(b) safety items like deadman handle, door operations, etc.;

(c) facilities for evacuation of passengers in case of emergencies;

(d) system of operation;

(e) fire prevention measures; and

(f) any other item, as he may consider fit for safety of passengers.

17. Inspection of signalling and telecom facilities.-The Commissioner shall inspect the following items of the signalling and telecom facilities keeping in view the safety of travelling public, proposed to be used on metro railway system proposed to be opened, namely: -

(a) fail-safe features of the signalling system;

(b) communication between Train Operator and passengers; and

(c) any other item, as he may consider fit for the safety of the passengers.

18. Inspection of facilities for relief of passengers in emergencies.- The Commissioner shall check the following facilities for relief of passengers in case of emergency, namely:-

(i) in-house facilities and preparedness to combat emergencies;

(ii) communication and arrangements with outside relief agencies;

(iii) any other item, as he may consider fit for safety for passengers; and

(iv) competency of metro railway official connected with train working.

CHAPTER - V

THE INSPECTION REPORT

19. Contents of report.-

(1) The report shall specify that-

(a) he has made a careful inspection of the metro railway and the rolling stock that may be used thereon;

(b) the moving and fixed dimensions as laid down have not been infringed;

(c) the track structure, strength of bridges/viaducts, tunnels, general structural character of the civil works, signalling and train control system, telecommunication, traction installations and the size of, and maximum gross load upon the axles of any rolling stock, comply with the requirements laid down; and

(d) in his opinion, the metro railway can be opened for the public carriage of passengers without any danger to the public using it.

(2) The report shall be clear and concise and shall deal with all matters which are required to be considered, particularly whether the metro railway line is designed for the specified loading and the instances of deviation or infringement of moving and fixed dimensions.

20. Documents accompanying inspection report.-The report shall be accompanied by the following documents, namely:

(a) Index plan and section of the metro railway;

(b) Results of the bridge test, when asked for by the Commissioner;

(c) Documents required for initiation of electric traction;

(d) Tabulated details in Forms I to XIV;

(e) Certificate by the Chief Executive Officer in Form XV; and

(f) List of infringements of moving and fixed dimensions in Form XVI.

21. Submission of report to State Government.- In respect of every reference made to him under sub-rule (2) of rule 3, the Commissioner shall submit his report to the State Government.

CHAPTER - VI

SANCTION TO OPEN METRO RAIL FOR PUBLIC CARRIAGE OF PASSENGERS

22. Sanction to open metro railway.-

(1) The State Government may, after considering the report submitted under rule 21 by the Commissioner, sanction the opening of the Bangalore metro railway or a portion thereof as the case may be, under section 14 of the Act as such or subject to such conditions as may be considered by it for the safety of the public.

(2) The Chief Executive Officer shall publish the date of opening of Bangalore metro railway or a portion thereof for public carriage of passengers in the local newspapers in English, Hindi and Kannada languages.

23. Opening of a metro rail by the Commissioner.-

(1) The Commissioner may also sanction the opening of Bangalore metro railway for public carriage of passengers, subject to such conditions as he may impose in the interest of the passengers. While giving sanction to the opening of metro railway, he will, however, forward his inspection report to the State Government.

(2) On receipt of the inspection report of the Commissioner, the State Government may confirm, modify or cancel the sanction given under sub rule (1) subject to such conditions, alterations or relaxation as may be considered necessary.

CHAPTER - VII

INTRODUCTION OF NEW TYPE OF ROLLING STOCK

24. Use of new type of rolling stock.-

(1) The metro railway administration when it desires to use new type of rolling stock different from those already running on a section of the metro railway, shall apply for sanction for the same to the State Government through the Commissioner.

(2) Any modification in the design of car which alters the system of operation and control on the rolling stock like change in the braking system, or change in the principle of traction, shall be considered as a material modification and shall constitute a change in the type and design of the rolling stock.

(3) Any modification in the car or rolling stock affecting the salient dimensions or suspension system or running gears and any other modification which affect the riding quality of the rolling stock, shall also constitute a change in the type and design of the rolling stock.

(4) For new designs of rolling stock, oscillation and or other trials are required to be conducted as per the procedure specified by State Government from time to time to determine safe speed potential and stability of rolling stock. This provision shall apply for increasing the speed of existing rolling stock by making improvements.

(5) The application under sub-rule (1) shall be accompanied by-

(a) such diagrams as necessary to give full particulars of the axle loads, wheel spacing, length over buffers/couplers and other principal dimensions of the rolling stock as specified in Form VI for which sanction is required;

(b) such calculations and stress sheets showing -

(i) the external forces on which the stress calculations are based;

(ii) the stresses which will be produced in the various bridges/ viaducts on which the proposed rolling stock will run;

(iii) the effects which the said rolling stock will have on various structures and track as compared with those caused by the rolling stock already in use, or allowed by the existing orders; and

(iv) the conclusions arrived at;

(c) the calculations, stress sheets must show, as to what allowance has been made for any secondary or deformative stresses in addition to the primary stresses caused by the external forces and what relief of stress, if any, has been included. The Commissioner may ask for necessary tests to be carried out on bridges as referred to in sub-rule (2) of rule 14;

(d) the modification, if any, necessary to signaling and telecommunication installation to ensure electromagnetic compatibility/ electromagnetic interference compatibility with rolling stock and a certificate that the same have been carried out;

(e) actual test report of electromagnetic compatibility/ electromagnetic interference measurements with rolling stock and a confirmation that the results are within specified limits and standards;

(f) report of checks on rolling stock to ensure that it withstands the electromagnetic interference from external sources;

(g) speed certificate based on oscillation trial results;

(h) a safety certificate jointly signed by the Chief Engineer, Chief Electrical Engineer, Chief Signalling and Telecommunication Engineer and Chief Operating Manager of the metro railway in the Form XVIII.

(6) The proposal shall be scrutinized by the Commissioner and the recommendations thereon shall be submitted to the Central Government for its orders.

(7) No new type of rolling stock which causes change in the electromagnetic compatibility/electromagnetic interference behaviour or stresses exceeding the design criteria specified and approved by the State Government for existing structures or excessive stresses in track shall be ordered unless sanction of the Central Government has been received through the Commissioner for doing so.

CHAPTER - VIII

ALTERATIONS OR CHANGES IN THE EXISTING METRO RAIL

25. Notice of alterations or changes.-

(1) Where it is proposed on Bangalore metro railway or a portion thereof which had been opened after inspection, to construct any deviation lines, stations, or to make an addition, alteration or reconstruction materially affecting the character of any work and such work forms part of, or is directly connected with the working of the metro railway, the metro railway administration shall give notice to that effect to the Commissioner.

(2) Before any such work, the execution of which may affect the running of trains carrying passengers is taken in hand, the metro railway administration shall furnish to the Commissioner for his approval drawings or particulars of work and any temporary arrangements necessary for carrying it out.

26. Opening of new or strengthening bridges or viaducts.-

(1) No bridge or viaduct shall be reopened to traffic, after strengthening without the approval of the Commissioner even though it is able to carry the load without exceeding the maximum permissible stresses as specified in the relevant India Codes/International Codes.

(2) No load shall be imposed on Bangalore metro railway bridge or viaduct which would cause in any member thereof stress greater than those specified in sub-rule (1) without the sanction of the Commissioner.

(3) Closure of an existing bridge shall require the sanction of the Commissioner.

27. Use of new type of signalling equipment.-

(1) The metro railway administration, when it desires to use a new type of signalling equipment which is not of approved type, shall apply for sanction to the Commissioner.

(2) The application under sub-rule (1) shall be accompanied by-

(a) a list of the requirements which the equipment fulfils together with the results of the tests conducted;

(b) a certificate from the Chief Signal and Telecommunication Engineer in the Form XIX;

(c) a statement giving details of the tests, trials and verification conducted by suppliers, metro railway, etc., on the performance of the equipment;

(d) safety assessment report from an independent safety assessor, where applicable;

(e) certificate, if any, from other metro railway where equipment is in use for passenger carrying services;

(f) the relevant system details as may be necessary to give full particulars of the principle of operations and safety features incorporated; and

(g) a copy of the instructions jointly approved by Chief Operations Manager and Chief Signal and Telecommunication Engineer, to be issued for operation of the equipment by the Operating Staff, including those instructions for working under abnormal or failure conditions.

28. Alterations or changes in electric traction equipment and use of new traction equipment.-

(1) The metro railway administration when it desires to use new type of electric traction system which is not of approved type or alter or make changes in electric traction equipment when it materially affects its design characteristics and is directly connected with the train operation, such metro railway administration shall apply for new type of traction system, such alteration or change in electric traction equipment to the Commissioner.

(2) The application under sub-rule (I) shall be accompanied by-

(a) a list of requirements which the equipment fulfils;

(b) a statement whether the equipment complies with the relevant Indian specifications or International specifications;

(c) a statement giving detail of the tests, trials and verification conducted by suppliers, metro railway, etc., on the performance of the equipment;

(d) certificate, if any from other metro railway where equipment is in use for passenger carrying services; and

(e) the relevant system details as may be necessary to give full particulars of the principle of operation and safety features incorporated.

CHAPTER - IX

SIGNALLING/TRAIN CONTROL AND TELE-COMMUNICATION INSTALLATIONS

29. Signals.-

(1) The signals to be provided for controlling the movements of trains on Bangalore metro railway shall be,-

(a) Cab Signals;

(b) Fixed Signals (where provided) and

(c) Hand signals

(2) The signalling and train control systems shall permit different modes of train operation depending upon its design, namely:-

(a) automatic train operation (where provided) (ATO);

(b) Automatic train protection manual mode (ATP).

(c) run on sight (ROS);

(d) restricted manual (RM);

(e) cut-out.

(3) Under special circumstances and during initial stages, train services on Bangalore metro railway may be run with the concurrence of the Commissioner, and the approval of the Chief Executive Officer, by any of the following system of working, namely:

(a) automatic block system;

(b) absolute block system:

Provided that the Chief Executive Officer will give approval only after obtaining the necessary sanction therefore from the Commissioner.

(4) The requirements of the various modes of train operations given above shall be in accordance with provisions laid down in Bangalore Metro Railway General Rules, 2010.

(5) The Signalling and train control systems provided on the section shall be optimum for the planned level of safety and requirement of traffic.

(6) The design of signalling and train control system shall be such as to enable the driver to easily distinguish between various modes of train operation.

(7) The locations of trains running on the section and aspects of the signals where provided and in use shall be displayed in the operations control center and station control rooms.

(8) The cab signal and fixed signals where provided but not in use will have specific indication to that effect.

(9) The standard of safety of signalling and train control system provided shall generally be in accordance with the recommendations of the European Committee for Electromechanical Standardisation or its equivalent national standards/international standards.

30. Points.-

(l) All points on passenger lines shall be power operated.

(2) The point operating mechanism on passenger lines shall be of nontrailable designs.

(3) Spring points shall not be used.

(4) Movable crossings and movable diamond crossings on passenger lines shall be provided with complete facing point equipment of approved type.

(5) The requirements of points as stipulated in Bangalore Metro Signal Engineering Manual shall be followed.

31. Interlocking.-

(1) The operation of signalling gears shall be from a panel or VDU/key board or any other approved means enabling operation of routes and also individual operation of points and signals.

(2) The apparatus provided for operation of points and signals shall be interlocked for all passenger running lines.

(3) The standard and requirements of interlocking shall be as per Bangalore Metro Signal Engineering ManuaI.

32. Track circuits.- (1) All passenger running lines shall be equipped with means of continuing detection like track circuit etc., to detect the presence or absence of a vehicle.

33. Sidings.-Sidings shall be arranged in such a manner that shunting operations upon them shall involve the least possible use of or obstruction to, running lines.

34. Provision of isolation at stations.-

(1) All passenger lines shall be isolated from all sidings connected thereto.

(2) Isolation may be accomplished by -

(a) connection to a long line or siding; or
(b) provision of a short dead end siding; or
(c) provision of trap; or
(d) any other authorised means.

Note.-When a trap is provided, the trap switch should be located with the heel of the switch in rear of the fouling mark and preferably on the straight. The switch should be in the rail away from the line to be protected.

35. Emergency communication.- Necessary means of communication like mobile radio communication shall be provided to enable the drivers to contact operation control centre and station control room in case of emergency.

36. General.- Necessary measures like protective devices or design features shall be adopted to safeguard the signaling/ train control and tele-communication installations against the harmful effect of electromagnetic inference, stray currents and earth leakage current, etc., from 750 V DC third rail traction system as adopted on the section.

CHAPTER - X

DESIGN AND INSPECTION OF EQUIPMENT FOR ELECTRIC TRACTION

37. Design of electric installations.-

(1) The design of all electric installations, namely transmission and distribution cables, sub-stations, and third rail dc traction system etc., shall be according to International Standards or approved standards laid down by the Central Government and the Indian Electricity RuIes, 1956, or any other law for the time being in force and wherever any departure from accepted norms becomes necessary, approval of the Central Government shall be obtained.

(2) Adequate protective arrangement shall be made to ensure that the public cannot come in contact with the electric equipment on line within the metro railway premises.

(3) Suitable protective screens/shrouds shall be provided where live conductor rails pass under or over bridges.

(4) When the distribution system involves third rail carried on pedestals and return circuit via running rails or earth, all such structures, and associated tracks shall be effectively earthed and bonded or other precautions taken to ensure that. Contact with any part of the structure will not be dangerous to the public and the metro railway staff. In traction, bonding and earthing shall be as per the approved code for bonding and earthing in respective areas. In case of elevated concrete structures continuous earth bonding shall be provided by earthing the reinforcement of structures.

(5) Earthing arrangements at power supply installations shall strictly confirm to the International Standards or Indian Electricity Rules, 1956 and accepted codes of practices for bonding and earthing for traction. Adequate stray current control/protection system shall be provided under DC traction systems to avoid corrosion to steel reinforcement and other metallic parts of the tunnels and nearby structures. All precautions shall be taken to avoid electro-magnetic effect in the environment as per relevant standards.

(6) The earthing system for DC traction shall conform to requirements of IS-3043 and EN-50122 Part-I and the maximum rail potential during permanent condition shall not exceed 120 V for main lines and 60 V for depot area in accordance with EN-50122 Part-I.

(7) No earth wire shall cross any track and where structures to be connected to an earth-wire are located on opposite sides of a track, separate wire runs shall be used for connecting the structures. In complicated areas, structures may be connected to individual earthing stations.

(8) The Chief Electrical Engineer of Bangalore Metro Rail Corporation functions as the Electrical Inspector to the Government of India for Bangalore Metro Rail Corporation jobs.

(9) Lightning arrestors of standard or approved types shall be provided wherever they are necessary.

(10) All component parts of the equipment which carry live conductors shall be provided with devices approved by the Electrical Inspector to the Government of India to prevent unauthorised persons climbing them. Anti-climbing devices shall also be provided, wherever necessary, on structures carrying high tension equipment within metro railway premises.

(11) On both sides of the roads at road-under-bridges, height gauges of suitable design shall be provided to ensure that no part of any road vehicle or its load shall come in contact with the road-under-bridge girders.

(12) Warning notices shall be erected in conspicuous positions indicating the existence of live electrical equipment.

38. Display of caution boards and notices. –

The following caution boards and notices of standard sizes written in Kannada, English and Hindi shall be displayed at the various locations indicated below:

(a) Treatment for Electric Shock boards giving instructions for treatment of electric shock at all railway stations control rooms, Metro train depots, receiving sub-stations, traction sub-stations, auxiliary sub-stations, offices of maintenance engineers for works, signals, overhead electrical equipment and cabs or moving vehicles, etc;

(b) General “caution notices” regarding danger of high voltage traction rails for public at various entrances to metro railway stations and for staff at prominent places;

(c) “Warning” boards for high tension equipment on the sections;

(d) Boards for “switching on” and “switching off” of power on the sections;

(e) “Danger” boards and restricted clearance boards at identified locations;

(f) Power Block limit boards;

39. Approval for energization of high tension lines.-

(1) Application shall be submitted at least a fortnight before energization of high tension lines or third line conductor to the Electrical Inspector of the Government for Bangalore Metro Rail Corporation for the following, namely:-

(a) formal approval, if not already received to the design and layout of all high voltage equipment including receiving substations, 66kv transmission cables, 33 KV power distribution feeders, 750 V DC feeders, traction sub stations, auxiliary substations etc.;

(b) approval for energization of high tension installations mentioned above;

(c) the application should be accompanied by relevant documents.

(2) On receipt of an application under sub-rule (1), the Electrical Inspector shall scrutinize and inspect the design and installations in respect of the following, namely:-

(a) the layout and design for receiving sub-stations, traction substations, auxiliary sub-stations, third rail conductor system and other installations for compliance with the Electricity Act, 2003, the rules made there under and the relevant Indian standards or International standards; and

(b) inspection of completed installations, either personally or by deputing his officers for compliance with the safety requirements.

(3) After conducting the inspection under sub-rule (2), the Electrical Inspector shall convey his approval for the energization of 66/33 KV high tension equipment or 750 V DC conductor rail, at receiving sub-stations, traction sub-stations, auxiliary sub-stations, track cabins and subject to such conditions as he may consider necessary.

40. Procedure for energization of traction installations.-

(1) (a) After obtaining the sanction of the Electrical Inspector to the Government of India for energization under rule 39, the sub-stations should be commissioned sufficiently in advance for the energization of 750 v dc conductor rail system.

(b) Before energization of the sub-stations, full communication facilities should be available and power supply authorities should be ready to give power supply;

(c) On the date on which energisation of 750 v dc conductor rail system takes place, necessary clearance certificate should be obtained from the Electrical Construction Officers and others who had been hitherto working in the sub-station premises and on the section to the effect that their staff had been withdrawn and the sub-station including the section could be energized;

(d) After final measuring of the whole installation and check on the satisfactory operation of all equipment including protective relays, the traction sub-stations and other installations may be energized;

(e) Energization of electrical equipment and current collection system shall be progressively undertaken starting with 66/33 KV equipments at the receiving sub-station, 33 kv feeders from the receiving sub-stations to the traction substations and auxiliary sub-stations, and 750 V dc feeders from the traction sub-station to the conductor rail system followed by one subsector after another; and

(f) Before running electric rolling stock, a confirmatory field test by the proper operation of the protective relays shall be conducted.

(2) In addition to giving wide publicity through newspapers and other media, the Station Manager shall warn all passengers about the danger of 750 V DC conductor rail and third rail equipment on the section and not allow them to walk on the section.

(3) All relevant documents and certificates as mentioned in, and notifications issued under the Act,, along with the approval of Electrical Inspector for energisation shall form a part of complete documents to the Commissioner while making reference to the Commissioner under sub-rule (2) of rule 3 for opening of the metro railway for public carriage of passengers.

(4) (a) The inspection of the entire section shall be carried out by means of motor trolly Inspection Car by the Commissioner.

(b) An officer of Electrical Department (minimum senior administrative grade) nominated by the Chief Executive Officer should accompany the Commissioner throughout the inspection.

(c) The engineer-incharge of the section during the construction should also be present.

(d) During inspection, particular attention shall be paid to. the safety and operational aspects of the train movements and to see that staff are in possession of statutory rule books, instruction books, registers, forms, etc. and the Transportation, Electrical, Permanent Way and Signalling and Telecommunication staff are fully acquainted with the duties to be carried out after electric traction is introduced.

(5) The signaling/train control and telecommunication requirements in electrified sections shall be in accordance with the relevant standards.

(6) Subject to inspection being satisfactory, an 'all concerned message' may be issued by the Commissioner, communicating his authorisation for the introduction of commercial services under electric traction.

Notes.- A catechism dealing with the requirement of signal and telecommunication installations for 750 V DC electrified section are enclosed as Appendix A to these rules.

SCHEDULE
[See rule 5 (2) (a)]

INDEX PLAN AND SECTION SHEETS

1. A set of plans and sections for Bangalore Metro Railway Project should consist of -

(i) Index Plan and sections;

(ii) Detailed Plans and sections;

(iii) Plans of Station yards; and

(iv) Detailed drawings of structures.

2. The index plan and section should be drawn to a scale of 0.5 km to a cm horizontal and 10 metres to a cm vertical, the plan being drawn above the section on the same sheet.

3. The index plan should be traced from topographic survey sheets. The centre line of the proposed metro line should be indicated by a full red line with position of each station by a red block and name of the station also in red. The radius and degree of all curves should be figured.

4. The index section should show the formation level/deck level of elevated structures by a red line; the gradients should be figured and the height of the formation/deck level above mean sea level entered at each change of the gradient. The position, of each station with its name and distance from the fixed point, position and size of the bridge/viaduct spans should be indicated.

5. Throughout each set of plans and sections, the kilometrage shall be reckoned from the same "fixed point" and datum should be mean sea level. Each sheet should be plotted in the direction of the through kilometrage so that the kilometrage may be read from left to right.

6. On each sheet should be noted the name, i.e., Bangalore Metro Railway, gauge and scale along with direction of the magnetic North.

7. The index plan and section and the (first and the last sheets of) the set of detailed plans and sections should be signed by the engineer in charge.

8. Plans of station yards having yard lines other than Up/Down lines only may be submitted.

9. Drawing of structures to be submitted should be the completion/as built drawings.

Form - I

[See rule 5 (1) (a)]

CURVE ABSTRACT

Section: Bangalore Metro Railway

Length: Gauge: 1435 mm

Degree of curvature and radius	Number of each	Length in kms of Primary curve
Total		

Ratio of curved length to total length of line.

Form - II

[See rule 5 (1) (b)]

GRADIENT ABSTRACT

Section: Bangalore Metro Railway

Length: Gauge: 1435 mm

Up and Dn line

Gradient (compensated)	Number of each	Length in km	Percentage to total length of line
Total			

Longest continuous length of steepest Gradient:

Followed by a gradient of.........

for a length of .... km

Form - III
[See rule 5 (1) (c)]

BRIDGE ABSTRACT

Section:			Bangalore Metro Railway		
Length:			Gauge: 1435 mm		
Type of Bridge	Clear span in metres	Total no. of spans	Waterway in lineal metres	Loading standard for which designed	Remarks

Form - IV
[See rule 5 (1) (d)]

VIADUCT ABSTRACT

Section:			Bangalore Metro Railway		
Length:			Gauge: 1435 mm		
Type of Viaduct	Clear span in metres	Total no. of spans	Opening in lineal metres	Loading standard for which designed	Remarks

Form - V
[See rule 5 (1) (e)]

IMPORTANT BRIDGES ABSTRACT

Section:			Bangalore Metro Railway		
Length:			Gauge: 1435 mm		
Type of Bridge	Clear span in metres	Total no. of spans	Waterway in lineal metres	Loading standard for which designed	Remarks

FORM - VI

[See rule 5 (1) (f)]

BALLAST AND PERMANENT WAY ABSTRACT

Section: Bangalore Metro Railway

Length: Gauge: 1435 mm

1. The permanent way consists of UIC 60 Kg, head hardened new rails of make.................., 18 metres long, continuously welded laid on prestressed monoblock concrete sleepers/Ballastless slab track. The track at grade on main line on viaduct and in tunnels is laid on plinth type ballastless track with rails supported on base plate at a spacing of ......mm centre to centre with Vossloh Fastening System. The remaining track at grade on mainline is laid with rails as above with vossloh fastening system. The track in yard and depot is laid with minimum cushion of 250 mm stone ballast of 50mm size under the sleepers on well compacted formation with blanketing layer.

2. All the turnouts to be negotiated are 1 in 9 and 1 in 7 with thick web curved switches, canted with CMS crossings, weldable type. Certified that tested and approved new Permanent way Materials have been used in this section and they comply with the accepted specifications.

Note.-(a) A brief description to be given of the rails, fastenings, sleepers and ballast provided. Details of dimensions of rails, fittings etc., should not be given in the case of standard section.

(b) In the case of new rails and fish plates manufactured in India, the name of producer should be given. If they are imported, the name of the country of origin should be indicated.

(c) A certificate should be submitted by the Chief Engineer that the materials are of tested and approved quality and comply with the accepted specifications.

Form - VII

[See rule 5 (1) (g)]

STATION AND STATION SITES

Section: Bangalore Metro Railway

Length: Gauge: 1435 mm

Name of station	Kilometrage from fixed point	Inter station distance	Remarks

Form - VIII

[See rule 5 (1) (h)]

BRIEF PARTICULARS OF ROLLING STOCK

Section: Bangalore Metro Railway

Length: Gauge: 1435 mm

Sl.No	Description	Details	Remarks
(1)	(2)	(3)	(4)
1.	Rolling stock features (a) Composition		

	(b) Train Control System (c) Maxi ^{m} Design Speed (d) Maxi ^{m} Operational Speed (e) Jerk rate (f) Maximum Tractive Effort		
2.	Physical Dimensions (a) Car Weight (b) Length over Body (c) Maximum Width over Body (d) Height of Floor from TOR (e) Total Height		
3.	Bogie Details (a) Bogie Wheel base (b) Distance between Bogie Centres (c) Wheel Diameter (d) Type of Suspension		
4.	Braking Details (a) Type of Braking System (b) Maximum Braking effort (c) Service braking effort* From maximum operational speed to stand still, for fully loaded train on level tangent track. (d) Parking Brake		
5.	Electro Magnetic effect on Environment (a) Electro Magnetic Interference		
6.	Safety Features (a) Communication between Operator and passengers (b) Provision of Dead Man Handle (c) Communication between operator and Central Control and Station Control. (d) Fire prevention, detection and suppression system (e) Other Safety Features		

Certified that the design has been checked for being within the Kinematic Envelope (KE) under all conditions.

Form - IX

[See rule 5 (1) (i)]

BRIEF PARTICULARS OF TRACTION INSTALLATIONS

Section: Bangalore Metro Railway

Length: Gauge: 1435 mm

	750 V DC Traction System.
1.	Salient Features of the Design specially covering following aspects:- (a) Current carrying capacity of the system. (b) Boundaries like wind speed, Tension, Temperature range. (c) Speed Potential. (d) Protection arrangements. (e) Power supply system from GSS to Receiving sub-stations (RSS). (f) Power distribution system from Receiving Sub-stations to Traction Sub-stations(TSS) (g) DC Power Feed from TSS to conductor rail. (h) Power distribution system from RSS to Auxiliary Sub-stations (ASS). (i) Traction Scada System. (j) Earthing and Bonding System.
2.	Certificate that all warning boards and notices as per statutory requirements have been provided at specified locations.

Form - X

[See rule 5 (1) (l)]

ELECTRICAL CROSSING OVER METRO RAILWAY TRACKS ABSTRACT

Section: Bangalore Metro Railway

Length: Gauge: 1435 mm

S.no	Location	Brief technical particulars including voltage	Whether with guards or w/o guards	Owned by	Whether clearance as per the regulations for electrical Wings available	Remarks

Form - XI

[See rule 5 (1) (m)]

TRACTION MAINTENANCE DEPOT ABSTRACT

Section: Bangalore Metro Railway

Length: Gauge: 1435 mm

Sl. No.	Location	Name of nearest metro station	Remarks

FORM - XII

[See rule 5 (1) (n)]

VENTILATION, SMOKE MANAGEMENT AND FIRE SAFETY MEASURES IN TUNNELS AND STATIONS

Section: Bangalore Metro Railway

Length: Gauge: 1435 mm

I. Salient features of the design specially covering following aspects:

(a) Emergency ventilation and smoke management system in tunnels and stations;

(b) Emergency Evacuation procedure from tunnels or stations;

(c) Fire detection/suppression system in tunnels or stations;

(d) Fire alarm and public address system in emergencies;

(e) Emergency lighting and power supply; and

(f) Access routes for fire fighting personnel.

2. Certified that all test certificates from equipment suppliers and commissioning authorities are in order and clearances from statutory authorities have been obtained.

3. Certified that arrangements have been made to attend to any emergency arising out of Fire or Smoke within the station, train or tunnel.

FORM - XIII

[See rule 5 (1) (0)]

BRIEF PARTICULARS OF SIGNALLING/TRAIN CONTROL AND TELECOMMUNICATION SYSTEM

Section: Bangalore Metro Railway

Length: .... kms Gauge: 1435 mm

Signalling/Train Control System.

1. Continuous Automatic Train Control system has been provided on ....section for movements of trains between stations and between the depot and running lines.

2. The Continuous Automatic Train Control system works on the principle of target speed with cab signals by means of continuous transmission from track to train through coded Audio Frequency Track Circuit, ensuring safe movement of trains by continuously generating a safe operating envelope defined by the Limit of Movement Authority and the Maximum Safe Speed

3. The Continuous Automatic Train Control system provides the following modes of train operation:

(i) Automatic Train Operation (ATO)

(ii) Automatic Train Protection. Manual mode (ATP)

(iii) Run on Sight (ROS)

(iv) Restricted Manual (RM)

(v) Manual Cut-out (Bye pass)

4. Train operation on main lines is controlled from Operation Control Centre which normally operates under Automatic Train Control system with routes being set and trains interval regulated by computer control. Facility for manual setting of routes and individual operation of point if required has also been provided. Automatic Train supervision system at Operations Control Centre monitors and controls and regulates train operations.

5. A Local Control by means of video display unit work station has been provided in the station control room to enable the Traffic Controller to hand over control of the signals at specific station if required.

6. .... stations on the section have been provided with Computer based Interlocking system.

Tele-communication System

1. A Digital Mobile Train Radio Communication System based on Terrestrial Trunked Radio specifications has been provided on the section to provide radio communication between traffic controller, depot controller and the train operator**.**

2. A telephone system interconnecting stations, OCC and depots has been provided.

FORM - XIV

[See rule 5 (3)]

CERTIFICATE

I do hereby certify-

(a) that the moving and fixed dimensions for Bangalore metro railway have in every case have been worked to. Also that these dimensions will be observed in future and that no work or structure infringing the dimensions will hereafter be permitted without the sanction of the Central Government.

(b) that each bridge or viaduct confirms to the approved standard of loading without exceeding the maximum permissible stress on the available material of any member or portion of the structure.

(c) that every coaching vehicle constructed or procured for the use of the metro railway has been provided with electro-pneumatic/regenerative/air brake and effective means of communication between passengers and the Train Operator.

(d) that the metro railway shall be worked as per the system specified in the Bangalore Metro Railway General Rules, 2010.

(e) that the 750 v dc electric traction equipment can be used for the public carriage of passengers without danger to the public and that the Rules for the Design and Inspection of Equipment for Electric Traction as per Chapter X of the Rules for Opening of Bangalore Metro Rail for Public Carriage of Passengers, 2010 have been complied with.

(f) that the signalling and telecommunication equipment have been installed in accordance with the approved instructions and they are safe for passing traffic.

(g) that adequate facilities for passengers with disability have been made available at the stations and in the trains.

(h) that......... has been delegated to accompany the Commissioner for metro railway safety on his inspection and all information supplied or engagements entered into by him shall bear my authority.

Signature with seal of Chief Executive Officer,

Bangalore Metro Rail Corporation

FORM XV

[See rule 5 (4)]

INFRINGEMENTS OF MOVING AND FIXED DIMENSIONS

Section: Bangalore Metro Railway
Length: Gauge: 1435 mm

S.no	Location	Name of structure which infringes	Prescribed dimensions with chapter and item No.	Existing actual dimensi-on	Amount of infringe-ment	Reasons for infringe-ment	Authority under which infringe-ment permitted	Restrictions/ precautions to be adopted

FORM - XVI
[See rule 14 (2)]

DEFLECTION TEST OF BRIDGES

Section: Length:			Date of Test: Description of Test Load:					Bangalore Metro Railway Gauge: 1435 mm			
Bridge No.	Kilo - Metreage	Material Of Girdes	Clear Span between Bearing plates	Overall Depth Of Girders	Speed Of Train	Test Load EUDL	Deflection In M.M.	Design Load EUDL For B.M.	Ratio of Design Load B.M.to Test Load B.M.	Reduced Deflection Under Design Load (for slow Speed Tests) = (8x10)	Theoretical (calculated) Deflection (approx) Under Designed load
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

FORM - XVII
[See rule 24 (5) (h)]

CERTIFICATE

Based on the reports of "oscillation" trials (Copy enclosed) it is certified that it is safe to run (particulars of EMU/rolling stock proposed to run) not exceeding units (in case of EMUs) coupled together on the section (station) to. (station) from (km) to (km) of the metro railway at a maximum speed of (Km/h) subject to the following speed restrictions and conditions.

SPEED RESTRICTIONS

S. No.	From km to km	Nature of Speed restriction	Brief reason of restriction

SPECIAL CONDITIONS

To be signed by

Chief Engineer Chief Electrical Engineer

Chief Signal and Telecom Engineer Chief Operations Manager

FORM - XVIII

[See rule 27 (2)(b)]

CERTIFICATE

Certified that it is safe to use (particulars of the equipment) at the station/on the section of the metro rail with the following precautions:

1. ....

2. ....

3. .... etc.

Chief Signal and Telecommunication Engineer

Note. – The application should be scrutinized by the Commissioner who, if satisfied, will communicate his sanction to the metro rail administration. In case he is not fully satisfied, he will give his comments and recommendations for suitable further action.

APPENDIX - A

(See rule 41)

CATECHISM FOR SIGNALLING AND INTERLOCKING

INSTALLATIONS SIGNALLING AND TRAIN CONTROL

Have the requirements and recommendations for signalling and train control systems vide Chapter IX of these rules and appendix thereto pertaining to Signalling and Train Control Systems installed on the section being complied with?

SIGNAL

1. Do the signals comply with the requirements as laid down in Bangalore Metro Rail General Rules, 2010.
2. Have all the signal posts been placed on the left side of the track of the approaching train to which they refer? If otherwise, for what reason?
3. Are all running signals controlling placed in such a position and at such a height above rail level so they can be clearly seen by the drivers in sufficient time and be readily distinguished by night or by day from subsidiary signals?
4. In case of slotted or controlled signals, can the signals be freely returned to danger by either of the controlling agencies?
5. Are signals not commissioned have their aspects covered and the cover displaying two crossed white bars on a black background, the bars not being less than 30 cms x 10 cms?

POINTS

1. Are the locking of facing points such that the points cannot be or become unlocked while a train is passing over them, i.e., electrically controlled by track circuits or alternative devices?
2. Are detectors (internal/external) fitted to all facing points and do they efficiently detect with switches the signals controlling the movement of train over them?
3. Are switches adjusted to come tight against stock rails? Does the insertion of 5 mm obstruction piece between the switch and stock rails 150 mm from the toe of the switch prevent the points being locked and prevent the relevant signal being taken 'OFF', the giving of which is preceded by the locking of the points?

STATION CONTROL ROOM

1. Are all signals, points and track circuits electrically/electronically repeated on the Station Control Panel/Work Station as and where provided?
2. Is the Station Controller provided with necessary means the stopping of train at his station?
3. Have instructions for working been issued to all staff and included in Metro Railway Working Instructions and are they correct and efficient?

TESTS IN STATION CONTROL ROOM

It is essential that the interlocking of all signals with points must be so effected as to ensure the following conditions, which may be tested from Station Work Station.

1. Is it possible to take off conflicting signals at the same time?
2. Is it possible to take off a signal until:

(a) all points on the running line including overlap are correctly set and the points locked where required?

(b) all points, giving access to the running line from sidings are set against the running line?

OPERATION CONTROL CENTRE

Are all signals, points and track circuits electrically / electronically repeated on the Operation Control or Work station as and where provided?

CAB SIGNAL

1. Are the various modes of train control clearly distinguishable on the Driver's Human Machine Interface (HMI).

2. Under Cab Signalling System of working, is Automatic Train Protection System able to bring the train to a stop before an obstruction?

APPENDIX - B

(See rule 41)

A. ADDITIONAL CATECHISM FOR SIGNALLING/TRAIN CONTROL AND TELECOMMUNICATION

1. Have the requirements and recommendations for signaling/train control and telecommunication installation in accordance with the instructions issued for the installation of signaling/train control and telecommunication equipment in 750 V DC traction system as adopted on the section, been complied with ?

If not, in what respect the arrangements provided fall short of them?

STATEMENT OF DEVIATIONS – SIGNALLING/TRAIN CONTROL AND

TELE-COMMUNICATION SYSTEM

	Existing Paramaters	Prescribed Parameters	Deviation / Infringement	Remarks	Approval / Sanction
Signal					
Points					
Track circuits					
Electric Signalling Equipment					
Batteries					
Earthing					
Mobile Train Radio					
Communications					
General Safety					

By order and in the name of Governor of Karnataka,

KOUSALYA
Under Secretary to Government
Urban Development Department

ವಿಶೇಷ ಪತ್ರಿಕೆ

ಭಾಗ – ***IV-A***	ಬೆಂಗಳೂರು, ಸೋಮವಾರ, ಅಕ್ಟೋಬರ್ ೧೧, ೨೦೧೦ (ಆಶ್ವಯುಜ ೧೯, ಶಕ ವರ್ಷ ೧೯೩೨)	ನಂ. ೧೦೫೩

Urban Development Secretariat

NOTIFICATION

No. UDD 120 PRJ 2010 (P-4), Bangalore, Dated: 8th October, 2010

The draft of the following rules which the Government of Karnataka proposes to make in exercise of powers conferred by Section 24 of Mysore Tramways Act, 1906 (Mysore Act, II) is hereby published as required under Sub Section (1) to (5) of Section 26 of Mysore Tramways Act, 1906, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration after thirty days from the date of its publication in the Official Gazette.

Any objection or suggestion which may be received by the State Government from any person in respect of a said draft before the expiry of the period specified above will be considered by the State Government. The objections and suggestions may be addressed to Principle Secretary to Government (Additional Chief Secretary as the case may be), Urban Development Department, Vikas Soudha, Bangalore 01.

DRAFT RULES

BANGALORE METRO RAIL (CARRIAGE AND TICKET) RULES 2010

In exercise of the powers conferred by Section 24, of the Mysore Tramways Act, 1906, the State Government hereby makes the following rules, namely:-

1. Short title and commencement.-

1. These rules may be called the Bangalore Metro Railway Carriage and Ticket Rules, 2010.
2. They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.-

In these rules, unless the context otherwise requires,-

(a) "Authorized" means authorized by metro railway administration;

3. Carriage of goods or luggage.-

No person shall, while travelling in metro railway, carry with him any goods other than a small baggage containing personal belongings not exceeding 60 cm x 45 cm x 25 cm in size and 15 kg. in weight, except with the prior approval of the metro railway administration.

4. Prohibition against carriage of dangerous and offensive goods.-

(1) No person shall take or cause to be taken on the metro railway the following dangerous materials, namely:-

(a) Explosive substances which possess risk of explosion or fire or both;

(b) Gases compressed, liquefied or dissolved under pressure;

(c) Petroleum and other inflammable liquids;

(d) Inflammable solids;

(e) Oxidizing substances;

(f) Poisonous (toxic) substances;

(g) Acids and other corrosives;

(h) Radio active substances;

(i) Weapons arms and ammunitions; and

(j) Any other article declared as dangerous material by the metro railway administration from time to time.

(2) No person shall take or cause to be taken on the metro railway the following offensive materials, namely:-

(a) Blood, dried;

(b) Corpses;

(c) Carcasses of dead animals;

(d) Bones excluding bleached and cleaned bones;

(e) Manure of any kind;

(f) Rags, including oily rags;

(g) Any decayed animal or vegetable matter;

(h) Human ashes;

(i) Human skeleton;

(j) Parts of human body; and

(k) Any other article declared as offensive material by the metro railway administration from time to time.

(3) No person shall take or cause to be taken on the metro railway the following:

(a) live animals and birds;

(4) If any metro railway official has reason to believe that any person is carrying with him, in a container of any form, or otherwise, any dangerous or offensive material, he may cause such container to be opened by its carrier for the purposes of ascertaining its contents.

(5) Any metro railway official may remove from the metro railway any person taking with him any dangerous or offensive material.

5. Notwithstanding anything contained in these rules, the members of the Armed Forces of the Union Government, State Police, the para-military forces, the National Cadet Corps, and other uniformed forces of the Central Government, State Governments and Union Territory's Governments, while on metro railway in the course of their duty, shall carry the authorised weapons, arms and ammunition.

6. Application of other Acts and Rules.-

(1) Nothing in these rules shall be deemed to detract from the operation of:-

- (a) Explosive Act, 1884 (Act 4 of 1884);
- (b) Explosive Rules, 1983;
- (c) The Indian Arms Act, 1959 (Act 54 of 1959); or
- (d) The Indian Arms Rules, 1962.

(2) Nothing in these rules shall prevent carrying of one piece of safety match box or a gas lighter on his person by a metro railway passenger.

7. Diseases declared to be infectious and contagious.- No person suffering from any infectious or contagious diseases including the followings shall travel by the metro railway, namely:

(a) Cerebro-Spinal meningitis;
(b) Chicken-pox;
(c) Cholera;
(d) Diphtheria;
(e) Measles;
(f) Mumps;
(g) Scarlet fever;
(h) Typhus fever;
(i) Typhoid fever; and
(j) Whooping cough:
(k) Chickenguniya

Provided that in the case of closed (non-infective) leprosy patient carrying a certificate from a Registered Medical Practitioner certifying him to be non-infective shall travel by the metro railway.

8. ***Particulars of Ticket:-***

(1) Any person desirous of travelling on the metro railway shall, upon payment of fare, be issued with a ticket by the metro railway administration or an agent authorized in this behalf.

(2) The ticket issued under sub-rule (1) shall be of two types, viz.:

- (I) ***Contactless Smart Card (CSC)*** for multiple journeys and
- (II) ***Contactless Smart Token (CST)*** for single journey
- (III) ***Group Paper Ticket*** issued for group journeys

(3) ***Contactless Smart card***

Contactless Smart card will be of two types viz Metro CSC and Combo CSC. While Metro CSCs will have only Contactless chip for ticketing application, the Combo CSCs will have both Contactless chip and a Magstripe for

ticketing and Banking application respectively in one card. Both Metro CSC and Combo CSCs will have the same functionality as far as ticketing is concerned. Tickets issued as Contactless Smart Card will be of following types:

(a) ***Stored Value Ticket***

(i) Stored value ticket is a Contactless Smart Card, with value encoded in the card and it shall be issued with a minimum stored value of Rs. 100. The maximum stored value in the card shall be Rs. 1100.

(ii) After each journey, the stored value on the card shall get reduced by the amount fixed for the journey performed with the exception of Trip based cards that are valid for finite number of trips and period. It shall be possible to add value to the Contactless Smart Card on reaching a threshold value fixed by BMRCL. The add value to this card shall be in multiples of Rs. 50.

(iii) Validity period of Contactless Smart Card shall be one year from the date of issue or the date of add value whichever is later.

(b) ***Trip Ticket***

Trip Ticket shall be of two types viz:

(i) Ticket permitting a set number of trips between two defined points

(ii) Ticket permitting a set number of trips, valid for a defined period.

(c) ***Tourist Ticket***

Tourist ticket shall be of two types viz

i) Valid for limited period and for unlimited journeys

ii) Valid for limited period and for fixed number of trips.

(d) ***Integrated Metro – Bus ticket***

This is a common ticket valid for journeys on Metro as well as on local public transport buses. The type of ticket will be the same as defined in sub rule 3 (a), 3(b) and 3(c) for Metro journeys and will be human readable ticket for bus journeys.

(4) ***Contactless Smart Token***

(i) Contactless Smart Tokens shall be used for single journey only. The value of contactless Smart token shall be as per the fare as specified in the fare table published by the metro railway administration from time to time. Fare paid shall be encoded on the token and its validity shall be for one day.

(ii) Contactless Smart Tokens shall be captured at the exit gate on completion of journey.

(5) ***Group Paper Ticket***

Group paper ticket is a single ticket issued in the form of paper slip for booking a large group of persons travelling together. The group is permitted to perform journey by manual verification of paper ticket.

By order and in the name of Governor of Karnataka,

KOUSALYA
Under Secretary to Government
Urban Development Department

ಸರ್ಕಾರಿ ಹೊರವಲಯ ಮುದ್ರಣಾಲಯ, ಬೆಂಗಳೂರು. (೯೦೦ ಪ್ರತಿಗಳು)